

THE
REVOLUTION
IN
NEW-ENGLAND
JUSTIFIED,
AND THE
PEOPLE there VINDICATED

FROM THE
A S P E R S I O N S

Cast upon them by

Mr. JOHN PALMER,

In his PRETENDED ANSWER to the

D E C L A R A T I O N

Published by the Inhabitants of BOSTON, and the Country
adjacent, on the Day when they secured their late Oppres-
sors, who acted by an ILLEGAL and ARBITRARY Com-
mission from the late King JAMES.

TO WHICH IS ADDED,

A NARRATIVE of the PROCEEDINGS

O F

Sir EDMOND ANDROSSE and his Accomplices,

Who also acted by an ILLEGAL and ARBITRARY Commis-
sion from the late King JAMES, during his Government
in NEW-ENGLAND.

By several GENTLEMEN who were of his COUNCIL.

Printed in the Year 1691.

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 of the Massachusetts colony in New-England in
 1683, there has been a few particular persons to make
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 new trial began by the court in court of chancery

T O T H E

R E A D E R.

IT is not with any design or desire unnecessarily to expose the late oppressors of that good protestant people which is in *New-England*, that the authors of the ensuing *vindication* have published what is herewith emitted. But the *agents* lately sent from thence could not be faithful to their trust, if when the people whom they represent are publicly (as well as privately) *asperged*, they should not (either by themselves, or by furnishing some other with materials for such an undertaking) *vindicate* those who have been so deeply injured.

As for Mr. *Palmer* his account, which he calls *impartial*, he has wronged *New-England* thereby, in some other particulars besides those insisted on, in the subsequent *apology*. For he does endeavour

deavour to make the world believe that the *Massachusetts* refused to answer to the *quo-warranto* prosecuted against their charter: Than which misrepresentation nothing can be more untrue or injurious. An account concerning that matter hath formerly (and more than once) been made public, in the which it is most truly affirmed, ' That when the *quo-warranto* was issued out against the governor and company of the *Massachusetts* colony in *New-England* in the year 1683, the then king did by his declaration enjoin a few particular persons to make their defence at their own charge, without any public stock; which shewed that there was a resolution to take away that charter: yet the governor and company appointed an attorney to answer to the *quo warranto*; but the suit was let fall in the court of *king's-bench*, and a new suit began by *scire facias* in court of *chancery*, where time was not allowed to make defence. The former attorney for that colony brought several merchants to testify that in the time allowed (which was from *April 16*, till *June 18*) it was impossible to have a new letter of attorney returned from *New-England*. The then lord keeper *North* replied, that no time ought to be given. So was judgment entered against them before they could possibly plead for themselves.' By this the impartial reader may judge what ingenuity and veracity is in *Mr. Palmer's* account.

There is lately come forth another scandalous pamphlet, called *New-England's faction discovered*. The author has not put his name to it: But it is supposed to be written by a certain person known

known to be a prodigy for impudence and lying. The reflection in it not only on *New-England* in general, but on particular persons there as well as in *England*, are so notoriously and maliciously false, as that it must needs be much beneath a great mind to take notice of such *latterations*, or to answer them any otherwise than with contempt. When we are treated with the buffoonery and railery of such ungenteel pens, it is good to remember the old saying, *magnum contumelie remedium, negligentia*.

As for what Mr. Palmer does in his preface insinuate concerning the *New-Englanders* being *common-wealths-men, enemies to monarchy, and to the church of England*, that is such a sham as every one sees through it.

There are none in the world that do more fully concur with the doctrine of the church of *England* contained in the 39 articles, than do the churches in *New-England*, as is manifest from the confession of their faith published in the year 1630. Only as to *liturgy and ceremonies* they differ; for which cause alone it was that they, or their fathers, transported themselves into that *American desert*, as being desirous to worship God in that way which they thought was most according to the scriptures. The platform of church discipline consented unto by the elders and messengers of the churches assembled in a general synod at *Cambridge* in *New-England* in the year 1647, sheweth that they are as to church-government for the congregational way. The judiciously learned Mr. Philip Nye has long since evinced that no form of church-government (no not that which is episcopal) is more consistent with monarchy,

archy, or with the king's supremacy, than that of the *way-congregational*, which some will needs call *independent*. But there are a sort of men, who call those that are for *English* liberties, and that rejoice in the government of their present majesties, king *William* and queen *Mary*, by the name of *republicans*, and represent all such as enemies of monarchy and of the church. It is not our single opinion only, but we can speak it on the behalf of the generality of their majesties subjects in *New-England*, that they believe (without any diminution to the glory of our former princes) the *English* nation was never so happy in a king, or in a queen, as at this day. And the God of heaven, who has set them on the throne of these kingdoms, grant them long and prosperously to reign.

E. R.

S. S.

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**THE
REVOLUTION
IN
NEW-ENGLAND
JUSTIFIED.**

THE doctrine of *passive obedience* and *non-resistance*, which a sort of men did of late, when they thought the world would never change, cry up as divine truth, is by means of the happy *revolution* in these nations, exploded, and the assertors of it become ridiculous.

No man does really approve of the *revolution* in *England*, but must justify that in *New-England* also; for the latter was effected in compliance with the former, neither was there any design among the people in *New-England* to reassume their ancient *charter-government*, until his present majesty's intended descent into *England*, to rescue the nation from *slavery* as well as *popery*, was known to them (for indeed to have attempted it before that would have been madness.) They

con-

considered that the men then usurping government in *New-England* were king *James's* creatures, who had invaded both the liberty and property of *English* protestants after such a manner as perhaps the like was never known in any part of the world where the *English* nation has any government; and the commission which they had obtained from the late king *James* was more illegal and arbitrary, than that granted to *Dudley* and *Empson* by king *Henry* 7th. Or than it may be was ever before given to any by king *James* himself, or by any one that ever swayed the *English* scepter, which was a grievance intolerable; and yet they desired not to make themselves judges in a case which so nearly concerned them, but instead of harsher treatment of those who had tyrannized over them, they only secured them that they might not betray that country into the hands of the late king, or of king *Lewis*, which they had reason enough to believe (considering their characters and dispositions) they were inclined to do. They designed not to revenge themselves on their enemies, which they could as easily have done as a thousand men are able to kill one, and therefore when they secured their persons, they declared (as in their declaration printed at *Boston* in *New-England* is to be seen) that they would leave it to the king and parliament of *England*, to inflict what punishment they should think meet for such criminals. Their seizing and securing the governor, was no more than was done in *England*, at *Hull*, *Dover*, *Plymouth*, &c. that such a man as *Mr. John Palmer* should exclaim against it, is not to be wondered at, seeing he was one of the governor's tools, being of his council, made a judge by him, and too much concerned in some illegal and arbitrary proceedings; but his confidence is wonderful, that he should publish in print that neither himself nor *sir Edmund Andross*, nor others of them who had been secured by the people in *New-England*, had any crimes laid to their charge, whereas the foresaid declaration omitted the very day they were secured, doth plainly set forth their crimes. And in the preface of his book he hath these words; viz.

• We appeared at the council-board where the worst of our enemies, even the very men who had so unjustly imprisoned and detained us, had nothing to say or object against us.

By these enemies he speaks of, we suppose he means those who were lately sent as agents from *Boston* in *New-England*; he hath therefore necessitated us to inform the world, that the following objections (though not by his enemies, yet) by those agents presented at the council-board,

Matters

Matters objected against Sir EDMUND ANDROSSE, Mr. JOSEPH DUDLEY, Mr. PALMER, Mr. RANDOLPH, Mr. WEST, Mr. GRAHAM, Mr. FARREWELL, Mr. SHERLOCK and others, as occasions of their imprisonment in New-England.

1. **I**T is objected against Sir *Edmund Androsse*, that he being governor of the *Massachusetts* colony, after notice of his present Majesty's intention to land in *England*, issued out a proclamation, requiring all persons to oppose any descent of such as might be authorized by him, endeavoured to stifle the news of his landing, and caused him that brought this king's declaration thither to be imprisoned, as bringing a seditious and treasonable paper.

2. That in the time of his government, he without form or colour of legal authority made laws destructive of the liberty of the people, imposed and levied taxes, threatened and imprisoned them that would not be assisting to the illegal levies, denied that they had any property in their lands without patents from him, and during the time of actual war with the *Indians*, he did supply them with ammunition, and several *Indians* declared, that they were encouraged by him to make war upon the *English*, and he discountenanced making defence against the *Indians*.

3. As to all the other persons imprisoned, they were accomplices and confederates with Sir *Edmund Androsse*, and particularly Mr. *Dudley*, Mr. *Randolph*, and Mr. *Palmer* were of his council, and joined with him in his arbitrary laws and impositions, and in threatening and in punishing them who would not comply. Mr. *West* was his secretary, and guilty of great extortion, and gave out words which shewed himself no friend to the *English*. Mr. *Graham* was his attorney at one time, and Mr. *Farewell* at another, both concerned in illegal proceedings destructive of the property of the subject. Mr. *Farewell* prosecuted them who refused to comply with the illegal levies, and Mr. *Graham* brought several writs of intrusion against men for their own land, and Mr. *Sherlock*, another person imprisoned, though not named in the order, acted there for some years as an high sheriff, though he was a stranger in the country, and had no estate there, during his shierivalty he impannelled juries of strangers, who had no freehold in that country, and extorted unreasonable fees.

These particulars were not only presented at the council-board, but there read before the right honorable the lords of the committee of foreign plantations on April 17, 1690. when Sir Edmund Androsse, Mr. Palmer, and the rest concerned were present, and owned that they had received copies thereof from Mr. Blaitbwaite. It is true that the paper then read was not signed by the agents aforesaid, for which reason (as we understand, nor could it rationally be otherwise expected) the matter was dismissed without an hearing; nevertheless the gentlemen who appeared as council for the New-England agents, declared, that they were ready to prove every article of the objections; which shall now be done.

1. That Sir Edmund Androsse, with others whom the people in New-England seized, and secured did, after notice of his present majesty's intended descent into England to deliver the nation from popery and arbitrary power, to their utmost oppose that glorious design, is manifest by the proclamation printed and published in New-England, Jan. 10, 1688, signed by Sir Edmund Androsse and his deputy secretary John West, in which King James's proclamation of October 16, 1688, is recited and referred unto. Sir Edmund's proclamation begins thus; 'Whereas his majesty has been graciously pleased by his royal letter bearing date the 16th of October last past, to signify that he hath undoubted advice that a great and sudden invasion from Holland, with an armed force of foreigners and strangers will be speedily made in an hostile manner upon his majesty's kingdom of England, and that although some false pretences relating to liberty, property, and religion,' &c. And then he concludes thus—'All which it is his majesty's pleasure should be made known in the most public manner to his loving subjects within this his territory and dominion of New-England, that they may be the better prepared to resist any attempts that may be made by his majesty's enemies in these parts, I do therefore hereby charge and command all officers civil and military, and all other his majesty's loving subjects within this his territory and dominion aforesaid, to be vigilant and careful in their respective places and stations, and that upon the approach of any fleet or foreign force, they be in readiness, and use their utmost endeavours to hinder any landing or invasion that may be intended to be made within the same.'

2. And that they used all imaginable endeavours to stifle the news of the prince's landing in England, appears not only from the testimony of the people there, and from the letters of those now in government at Boston, but from the deposition
of

of Mr. *John Winslow*, who affirms that being in *Nevis* in *February* 1688, a ship arrived there from *England* with the prince of *Orange's* declaration, and intelligence of the happy change of affairs in *England*, which he knew would be welcome news in *New-England*, and therefore was at the charge to procure a written copy of that princely declaration with which he arrived at *Boston* about a fortnight before the revolution there. He concealed the declaration, from Sir *Edmund*, because he believed if it came into his possession, he would keep the people in ignorance concerning it; but intimation being given that Mr. *Winslow* had brought with him the declaration, he was therefore committed to prison (though he offered two thousand pounds bail) for bringing into the country a treasonable paper. For the satisfaction of such as are willing to be informed in this matter, Mr. *Winslow's* testimony as it was given upon oath before a magistrate in *New-England* shall be here inserted. It is as follows, viz.

J O H N W I N S L O W, aged twenty-four years, or thereabouts, testifieth and saith, that he being in *Nevis*, some time in *February* last past, there came in a ship from some part of *England* with the prince of *Orange's* declarations, and brought news also of his happy proceedings in *England* with his entrance there, which was very welcome news to me, and I knew it would be so to the rest of the people in *New-England*; and I being bound thither, and very willing to carry such good news with me, gave four shillings six pence for the said declarations, on purpose to let the people in *New-England* understand what a speedy deliverance they might expect from arbitrary power. We arrived at *Boston* harbour the fourth day of *April* following, and as soon as I came home to my house, Sir *Edmund Andross* understanding I brought the prince's declarations with me, sent the sheriff to me; so I went along with him to the governor's house, and as soon as I came in, he asked me why I did not come and tell him the news. I told him I thought it not my duty, neither was it customary for any passenger to go to the governor when the master of the ship had been with him before, and told him the news; he asked me where the declarations I brought with me were, I told him I could not tell, being afraid to let him have them, because he would not let the people know any news. He told me I was a fancy fellow, and bid the sheriff carry me away to the justices of the peace, and as we were going, I told the sheriff, I would choose my justice, he told me, no, I must go before doctor *Bullivant*,

* one pickt on purpose (as I judged) for the business; well I
 * told him, I did not care who I went before, for I knew my
 * cause good, so soon as I came in, two more of the justices
 * dropt in, *Charles Lidget* and *Francis Foxcroft*, such as the
 * former, fit for the purpose, so they asked me for my papers,
 * I told them I would not let them have them by reason they
 * kept all the news from the people, so when they saw they
 * could not get what I bought with my money, they sent me
 * to prison for bringing *traiterous and treasonable libels* and
 * papers of news; notwithstanding, I offered them security
 * to the value of two thousand pounds.

* *Boston in New-England,*
 * Feb. 4. 1689. sworn
 * before *ELISHA HUT-*
 * *CHINSON* assistant.

JOHN WINSLOW.

By these things it appears that it was absolutely necessary for the people in *New-England* to seize *Sir Edmund Andross* and his accomplices, that so they might secure that territory for their present majesties king *William* and queen *Mary*.

3. That *Sir Edmund Andross*, &c. did make laws destructive to the liberty of the subjects, is notoriously known, for they made what laws they pleased without any consent of the people, either by themselves or representatives, which is indeed to destroy the fundamentals of the *English* and to erect a *French* government. We cannot learn that the like was ever practised in any place where the *English* are planters, but only where *Sir Edmund Andross* hath been governor: For whereas in *New-England* by constant usage under their charter government, the inhabitants of each town did assemble as occasion offered to consider of what might conduce to the welfare of their respective towns, the relief of the poor, or the like, *Sir Edmund Andross*, with a few of his council, made a law prohibiting any town-meeting except once a year, viz. on the third Monday in *May*. The inhabitants of the country were startled at this law, as being apprehensive the design of it was to prevent the people in every town from meeting to make complaints of their grievances. And whereas by constant usage any person might remove out of the country at his pleasure, a law was made that no man should do so without the governor's leave. And all fishing boats, coasters, &c. were to enter into a thousand pounds bond, whereby fees were raised for himself and creatures. This law could not pass at *Boston*, because many of *Sir Edmund's* council there opposed it; but then a junta of them meeting at *New-York*, passed it; and after that law was made, how should any dissatisfied persons ever obtain liberty

liberty to go for *England* to complain of their being oppressed by *arbitrary governors*?

4. But besides all this, they made laws for the *levying monies without the consent of the people either by themselves or by an assembly*; for in order to the supporting their own government, they did by an act bearing date *March 3, 1686*, raise considerable sums of money on the king's subjects in that part of his dominions, *viz.* a penny in the pound on all estates personal or real, twenty pence *per head* as poll money, a penny in the pound for goods imported, besides an excise on wine, rum and other liquors.

It hath indeed been pleaded that all this was but what the laws of the country before the change of the government did allow. But this is vainly pretended, for there was no such law in force at the time when these sums were levied, the former laws which did authorize it, were repealed *October 10, 1683*, some years before *Sir Edmund Andros* and his accomplices had invaded the rights and liberties of the people there. Moreover, in those parts of the country where there were never any such laws in force, particularly in *Plymouth colony*, this money was levied, which they heavily complained of. Yet further, in another act dated *Feb. 15, 1687*, they did without any colour of ancient law make an additional duty of impost and excise, which raised the duty, some ten shillings, some twenty shillings *per pipe* on wines, and so on other things. Nay they levied monies on *Connecticut colony* contrary to their charter, which was never vacated, than which nothing more illegal and arbitrary could have been perpetrated by them.

5. They did not only act according to these illegal taxes, but they did *inflict severe punishment on those true English men who did oppose their arbitrary proceedings*, as shall be made to appear in many instances. When the inhabitants of *Ipswich in New-England* were required to choose a commissioner to tax that town, some principal persons there that could not comply with what was demanded of them, did modestly give their reasons, for which they were committed to goal, as guilty of high misdemeanours, and denied an *habeas corpus*, and were obliged to answer it at a court of *oyer and terminer* at *Boston*. And that they might be sure to be found guilty, jurors were picked of such as were no freeholders, nay of strangers; the prisoners pleading the privilege of *Englishmen* not to be taxed without their own consent, they were told that the laws of *England* would not follow them to the end of the earth, they meant the privileges of the English law, for the penalties they resolved should follow them

them *quo jure quaque injuriâ*. And why should they insist on, and talk of the privileges of Englishmen, when it had been declared in the governor's council, *that the king's subjects in New-England did not differ much from slaves, and that the only difference was, that they were not bought and sold?* But to go on with the matter before us; in as much as the prisoners mentioned had asserted their *English* liberties, they were severely handled, not only imprisoned for several weeks, but fined and bound to their good behaviour; Mr. *John Wise* was fined fifty pounds besides costs of court, deprived of the means of his subsistence, and gave a thousand pounds bond for good behavior. And Mr. *John Appleton* was fined fifty pounds and to give a thousand pounds bond for good behavior, and moreover declared incapable to bear office, besides unreasonable fees. After the same manner did they proceed with several others belonging to *Ipswich*. Likewise the towns men of *Rowley*, *Salisbury*, *Andover*, &c. had the same measure. And the king's subjects were not only oppressed thus in the *Massachusetts* colony, but in *Plymouth*. For when *Shadrach Wilboar* the town-clerk of *Taunton* in *New-England* did, with the consent of the town, sign a modest paper signifying their not being free to raise money on the inhabitants without their own consent by an assembly, the honest man was for this committed close prisoner, and after that punished with a fine of twenty marks and three months imprisonment, and bound to find sureties by recognizance to appear the next court, and to be of the good behaviour. As to the matter of fact, the persons concerned in these *illegal and arbitrary judgments* will not have the face to deny them; if they do, there are *affidavits* now in *London* which will evince what hath been related when ever there shall be occasion for it.

It is a vanity in Mr. *Palmer*, to think that he hath answered this by affirming, but not proving, that the *Ipswich men* assembled themselves in a *riotous manner*; for that saying of his is very false. The world knows that *New-England* is not the only place where honest men have in these late days been proceeded against as guilty of *riots*, when they never deserved such a censure any more than these accused by Mr. *Palmer*. But the truth of what hath been thus far related is confirmed by the following *affidavits*.

Complaints of great wrongs done under the ill government of Sir *Edmund Andross* governor in *New-England*, in the year 1687.

We *John Wise*, *John Andrews*, senior, *Robert Kinsman*, *William Goodhus*, junior, all of *Ipswich* in *New-England*, in the

the county of *Essex*, about the 22d day of *August*, in the year above named, were with several principal inhabitants of the town of *Ipswich* met at Mr. *John Appleton's*, and there discoursed and concluded that it was not the town's duty any way to assist that ill method of raising money without a general assembly, which was apparently intended by abovesaid Sir *Edmund* and his council, as witness a late act issued out by them for such a purpose. The next day in a general town-meeting of the inhabitants of *Ipswich*; we the above named *John Wise*, *John Andrews*, *Robert Kinsman*, *William Goodhue* with the rest of the town then met (none contradicting) gave our assent to the vote then made.

The ground of our trouble, our crime was the copy transmitted to the council, viz. At a legal town meeting *August 23*. Assembled by virtue of an order from *John Usher*, Esq; treasurer for choosing a commissioner to join with the select-men, to assess the inhabitants according to an act of his excellency the governor and council for laying of rates; the town then considering that the said act doth infringe their liberty, as free born English subjects of his majesty by interfering with the statute laws of the land, by which it was enacted that no taxes should be levied upon the subjects without consent of an assembly chosen by the freetholders for assessing of the same, they do therefore vote that they are not willing to choose a commissioner for such an end without said privilege; and moreover consent not that the select-men do proceed to lay any such rate until it be appointed by a general assembly concurring with the governor and council. We the complainants with Mr. *John Appleton* and *Thomas French* all of *Ipswich* were brought to answer for the said vote out of our own county, thirty or forty miles into *Suffolk*, and in *Boston* kept in goal, only for contempt and high misdemeanors as our *mitimus* specifies, and upon demand, denied the privilege of an *habeas corpus*, and from prison over-ruled to answer at a court of oyer and terminer in *Boston* aforesaid. Our judges were Mr. *Joseph Dudley* of *Roxbury* in *Suffolk* in *New-England*, Mr. *Stoughton* of *Dorchester*, *John Usher* of *Boston*, treasurer, and *Edward Randolph*. He that officiates as clerk and attorney in the case is *George Farewell*.

The jury only twelve men and most of them (as is said) non-freeholders of any land in the colony, some of them strangers and foreigners, gathered up (as we suppose) to serve the present turn. In our defence was pleaded the repeal of the law of assessment upon the place: Also the

Magna

* *Magna Charta* of *England*, and the statute laws that secure
 * the subjects properties and estates, &c. To which was re-
 * plied by one of the judges, the rest by silence assenting,
 * that we must not think the laws of *England* follow us to
 * the ends of the earth, or whether we went. And the same
 * person (*John Wise* above said testifies) declared in open
 * council upon examination of said *Wise*; Mr. *Wise* you
 * have no more privileges left you, than not to be sold for
 * slaves, and no man in council contradicted. By such laws
 * our trial and trouble began and ended. Mr. *Dudley*
 * aforesaid chief judge, to close up the debate and trial, trim-
 * up a speech that pleased himself (we suppose) more than
 * the people. Among many other remarkable passages, to
 * this purpose, he bespeaks the jury's obedience, who (we
 * suppose) were very well preinclined, viz. I am glad, says
 * he, there be so many worthy gentlemen of the jury so ca-
 * pable to do the king service, and we expect a good verdict
 * from you, seeing the matter hath been so sufficiently proved
 * against the criminals. Note, the evidence in the case as
 * to the substance of it, was that we too boldly endeavoured
 * to persuade ourselves we were English men, and under privi-
 * leges; and that we were all six of us aforesaid at the town
 * meeting of *Ipswich* aforesaid, and as the witness supposed, we
 * assented to the foresaid vote, and also that *John Wise* made
 * a speech at the same time, and said we had a good God,
 * and a good king, and should do well to stand for our pri-
 * vileges—Jury returns us all six guilty, being all involved
 * in the same information. We were remanded from ver-
 * dict to prison, and there kept one and twenty days for
 * judgment. There with Mr. *Dudley's* approbation, as judge
 * *Stoughton* said, this sentence was passed, viz.

* *John Wise*, suspended from the ministerial functions, fine
 * fifty pound, money, pay cost, a thousand pound bond for
 * the good behaviour one year.

* *John Appleton* not to bear office, fine 50*l*. money, pay
 * cost, a thousand pound for the good behavior one year.

* *John Andrews* not to bear office, fine 30*l*. money, pay
 * cost, five hundred pound bond for the good behavior one
 * year.

* *Robert Kinsman* not to bear office, fine 20*l*. money, pay
 * cost, five hundred pound bond for the good behavior one
 * year.

* *William Goodhue* not to bear office, fine 20*l*. money, pay
 * cost, five hundred pound bond for the good behavior one
 * year.

* *Thomas*

‘ *Thomas French* not to bear office, fine 15*l.* money, pay cost, five hundred pound bond for the good behaviour one year.

‘ The total fees of this case upon one single information demanded by *Farewell* abovesaid, amount to about a hundred and one pound seventeen shillings, who demanded of us singly about sixteen pound nineteen shillings six pence, the cost of prosecution, the fines added make up this, viz. Two hundred eighty and six pounds seventeen shillings, money. *Summa Totalis* 286*l.* 17*s.*

‘ To all which we may add a large account of other fees of messengers, prison charges, money for bonds and transcripts of records, exhausted by those ill men one way and another to the value of three or fourscore pounds, besides our expence of time and imprisonment.

‘ We judge the total charge for one case and trial under one single information involving us six men abovesaid in expence of time and monies of us and our relations for our necessary succour and support to amount to more, but no less than 400*l.* money.

‘ Too tedious to illustrate more amply at this time, and so we conclude. *John Wise, John Andrews senior, William Goodhue, junior, Thomas French*, these four persons named, and *Robert Kinsman*.

‘ These four persons first named appeared the twentieth day of *December*, and *Robert Kinsman* appeared the one and twentieth day of *December*, 1689, and gave in their testimony upon oath before me *Samuel Appleton* assistant for the colony of the *Massachusetts* in *New-England*.

6. That those who were in confederacy with *Sir Edmund Andros* for the enriching themselves on the ruins of *New-England*, did invade the property as well as liberty of the subject, is in the next place to be cleared, and we trust will be made out beyond dispute. When they little imagined that there should ever be such a revolution in *England* as that which by means of his present majesty this nation is blest with, they feared not to declare their sentiments to the inexpressible exasperation of the people whom they were then domineering over. They gave out, that now their charter was gone, all their lands were the king's, that themselves did represent the king, and that therefore men that would have any legal title to their lands must take patents of them, on such terms as they should see meet to impose. What people that had the spirits of Englishmen, could endure this? That when they had at vast charges of their own conquered a wilderness, and

been in possession of their estates forty, nay sixty years, that now a parcel of strangers, some of them indigent enough, must come and inherit all that the people now in *New-England* and their fathers before them, had laboured for ! Let the whole nation judge, whether these men were not driving on a French design, and had not fairly erected a French government. And that our adversaries may not insult and say, these are words without proof, we shall here subjoin the testimonies of the reverend Mr. *Higginson*, and several other worthy persons, given in upon oath, concerning this matter.

Being called by those in present authority to give my testimony to the discourse between Sir *Edmund Androsse* and myself, when he came from the Indian war, as he passed through *Salem* going for *Boston* in *March* 1688-9, I cannot refuse it, and therefore declare as followeth, what was the substance of that discourse. Sir *Edmund Androsse* then governor being accompanied with the attorney-general *Grabam*, secretary *West*, judge *Palmer*, the room being also full of other people, most of them his attendants, he was pleased to tell me, he would have my judgment about this question ; *Whether all the lands in New-England were not the king's ?* I told him I was surprized with such a question, and was not willing to speak to it ; that being a minister, if it was a question about a matter of religion, I should not be averse, but this being a state matter, I did not look upon it as proper for me to declare my mind in it, therefore entreated again and again that I might be excused. Sir *Edmund Androsse* replied and urged me with much importunity, saying, Because you are a minister, therefore we desire to know your judgment in it, then I told him, if I must speak to it, I would only speak as a minister from scripture and reason, not meddling with the law. He said, the king's attorney was present there to inform what was law. I then said, I did not understand that the lands of *New-England* were the king's, but the king's subjects, who had for more than sixty years had the possession and use of them by a twofold right warranted by the word of God. 1. By a right of just occupation from the grand charter in *Genesis* 1st and 9th chapters, whereby God gave the earth to the sons of *Adam* and *Noah*, to be subdued and replenished. 2. By a right of purchase from the Indians, who were native inhabitants, and had possession of the land before the English came hither, and that having lived here sixty years, I did certainly know that from the beginning of these plantations our fathers entered upon the land, partly

as a wilderness and *Vacuum Domicilium*, and partly by the
 consent of the Indians, and therefore care was taken to
 treat with them, and to gain their consent, giving them
 such a valuable consideration as was to their satisfaction,
 and this I told them I had the more certain knowledge
 of, because having learned the Indian language in my
 younger time, I was at several times made use of
 by the government, and by divers particular plantations
 as an interpreter in treating with the Indians about their
 lands, which being done and agreed on, the several town-
 ships and proportions of lands of particular men were order-
 ed and settled by the government of the country, and
 therefore I did believe that the lands of *New-England* were
 the subjects properties, and not the king's lands. Sir *Edmund*
Androsse and the rest replied, that the lands were the king's, and
 that he gave the lands within such limits to his subjects by
 a charter upon such conditions as were not performed, and
 therefore all the lands of *New-England* have returned to
 the king, and that the attorney general then present could
 tell what was law, who spake divers things to the same pur-
 pose as Sir *Edmund Androsse* had done, slighting what I had
 said, and vilifying the Indian title, saying, they were brutes,
 &c. and if we had possessed and used the land, they said we
 were the king's subjects, and what lands the king's subjects
 have, they are the king's, and one of them used such an expres-
 sion, *where-ever an Englishman sets his foot, all that he hath*
is the king's, and more to the same purpose. I told them
 that so far as I understood, we received only the right and
 power of government from the king's charter within such
 limits and bounds, but the right of the land and soil we
 had received from God according to his grand charter to
 the sons of *Adam* and *Noah*, and with the consent of the
 native inhabitants as I had expressed before. They still
 insisted on the king's right to the land as before, whereup-
 on I told them, I had heard it was a standing principle in
 law and reason, *nil dat qui non habet*; and from thence I
 propounded this argument, he that hath no right, can give
 no right to another, but the king had no right to the lands
 of *America* before the English came hither, therefore he
 could give no right to them. I told them, I knew not of
 any that could be pleaded but from a Popish principle, that
 christians have a right to the lands of heathen, upon which
 the Pope as the head of the christians had given the *West-*
Indies to the king of *Spain*, but this was disowned by all
 protestants. Therefore I left it to them to affirm and prove
 the

* the king's title. They replied and insisted much upon that,
 * that the king had a right by his subjects coming and taking
 * possession of this land. And at last Sir *Edmund Androsse* said
 * with indignation, either you are subjects or you are rebels, in-
 * timating, as I understood him, according to the whole scope
 * and tendency of his speeches and actions, that if we would not
 * yield all the lands of *New-England* to be the king's, so as to
 * take patents for lands, and to pay rent for the same, then we
 * should not be accounted subjects but rebels, and treated ac-
 * cordingly. There were many other various replies and
 * answers on both sides, but this is the sum and substance of
 * that discourse.

JOHN HIGGINSON, aged seventy-four years.
 STEPHEN SEAWALL, aged thirty-two years.

* *John Higginson*, minister in *Salem*, personally appeared
 * before me, *December*, 24, 1689, and made oath to the truth
 * of the abovesaid evidence,

JOHN HATHORNE, assistant.

* Captain *Stephen Seawall* of *Salem* appeared before me,
 * *December* 24, 1689, and made oath to the truth of the
 * abovesaid evidence.

JOHN HATHORNE, assistant.

* *Joseph Lynde* of *Charlestown* in the county of *Middlesex* in
 * *New-England*, being fifty-three years of age, testifieth and
 * saith, that in the year 1687, Sir *Edmund Androsse* then go-
 * vernor of *New-England* did enquire of him the said *Lynde*
 * what title he had to his lands, who shewed him many deeds
 * for land that he the said *Lynde* possessed, and particularly
 * for land that the said *Lynde* was certainly informed would
 * quickly be given away from him, if he did not use means
 * to obtain a patent for it. The deed being considered by Sir
 * *Edmund Androsse*, he said it was worded well, and recorded ac-
 * cording to *New-England* custom or words to the same purpose.
 * He further enquired how the title was derived, he the said
 * *Lynde* told him, that he bought it of, had it of, his father-in-
 * law in marriage with his wife, and his said father from
 * *Charlestown*, and the said town from the general court grant
 * of the *Massachusetts-Bay*, and also by purchase from the na-
 * tives, and he said, my title were nothing worth if that were all,

At

At another time after shewing him an Indian deed for land,
 he said, that their hand was no more worth than a scratch of a
 bear's paw, under-valuing all my titles, though every way le-
 gal under our former charter government. I then petitioned
 for a patent for my whole estate, but Mr. *West* deputy
 secretary told me I must have so many patents as there were
 counties that I had parcels of land in, if not towns, find-
 ing the thing so chargeable and difficult I delayed, upon
 which I had a writ of intrusion served upon me in the be-
 ginning of the summer 1688, the copy whereof is in the
Charlestown men's complaint, and was at the same time
 with that of Mr. *James Russell's*, Mr. *Seawall's* and Mr.
Shrimpton's, it being for the same land in part that I shew-
 ed my title unto Sir *Edmund Andross* as above, being my-
 self and those I derived it from possessed, inclosed, and im-
 proved for about fifty years, at which time I gave Mr.
Graham attorney general three pounds in money, promis-
 ing that if he would let the action fall I would pay court
 charges, and give him ten pound, when I had a patent com-
 pleted for that small parcel of land, that said writ was ser-
 ved upon me for, which I did because a Quaker that had
 the promise of it from the governor, as I was informed in
 the governor's presence should not have it from me, the said
Lynde, having about seven acres more in the same common
 field or pasture, about a mile from his forty-nine acres
 near unto the land that the said governor gave unto
 Mr. *Charles Lidget*, of divers of my neighbours which
 I concluded must go the same way theirs went and
 therefore though desired to be patented by the said *Lynde*
 with the forty-nine acres, he could not obtain a grant for it.
 About the same time Mr. *Graham* attorney general asked
 the said *Lynde* what he would do about the rest of his land,
 telling him the said *Lynde* that he would meet with the like
 trouble about all the rest of his lands that he possessed, and
 were it not for the governor's going to *New-York* at this
 time, there would be a writ of intrusion against every man
 in the colony of any considerable estate, or as many as a cart
 could hold, and for the poorer sort of people said Sir *Edmund*
Andross would take other measures, or words to the same
 purpose. The said *Lynde* further saith, That after judg-
 ments obtained for small wrongs done him, triable by
 their own laws before a justice of the peace, from whom they
 allowed no appeals in small causes, he was forced out of
 his own county by writs of false judgment; and although
 at the first superiour court in *Suffolk*, the thing was so far
 opposed by judge *Stoughton* as illegal, as that it was put by,
 yet

• yet the next term by judge *Dudley* and judge *Palmer*, the
 • said *Lynde* was forced to answer *George Farewell* attorney
 • aforesaid, then saying in open court in *Charlestown*, that all
 • causes must be brought to *Boston* in *Suffolk*, because there was
 • not honest men enough in *Middlesex* to make a jury to serve
 • their turns, or words to that purpose; nor did *Suffolk*, as ap-
 • peared by their practice, for they made use of non-residents
 • in divers cases there. I mention not any damage though it
 • is great; but to the truth above written I the said *Lynde* do
 • set my hand. JOSEPH LYNDE.

• *Boston*, 14th of *January*, 1789-90.

• *Juratus coram me,* JOHN SMITH, Assistant.

And that the practices of these men have been according to their principles, *destructive to the property of the subject*, is now to be declared. It is a thing too well known to be denied, that some of *Sir Edmund's* council begged (if they had not had secret encouragement no man believes they would have done so) those lands which are called *the commons* belonging to several townships, whereby *Plymouth*, *Lynn*, *Cambridge*, *Rhode-Island*, &c. would have been ruined, had these men's projects taken effect. And not only the *commons* belonging to towns, but those lands which were the property of several particular persons in *Charlestown*, were granted from them. And writs of intrusion were issued out against *Col. Shrimpton*, *Mr. Samuel Searwall*, and we know not how many more besides, that their lands might be taken from them under pretence of belonging to king *James*. An island in the possession of *John Pittome* antiently appropriated to the maintenance of a free-school, was in this way seized. How such men can clear themselves from the guilt of *sacrilegious Oppression*, they had best consider. *Mr. Palmer* swaggers and hectors at a strange rate; for he hath these words, (p. 29.) 'I should be glad to see that man who would bare-faced instance in one particular grant of any man's right or possession passed by *Sir Edmund Andross* during his government'—And what if we will shew him the men, that dare affirm as much or more than that? what will he do?

Me me adsum qui feci, in me convertite ferrum.

We will produce those that have said (and sworn) as much as all this comes to. For *John Pittome* hath upon oath declared, that *James Sherlock*, *Sir Edmund's* Sheriff, came on *Dear Island* on the 28th of *January* 1688, and turned him and his

his family afloat on the water when it was a snowy day, although he was tenant there to Col. *Sbrimpton* and that the said *Sherlock* put two men (whom he brought with him) into possession of the said Island (as he said) *on behalf of King James the second*. Let him also know, that Mr. *Shepard* and Mr. *Burrill* of *Lynn*, and *James Russell*, Esq; of *Charlestown* in *New-England* have declared upon oath as followeth.

‘ *Jeremiah Shepard* aged forty two years and *John Burrill* aged fifty seven years, we whose names are subscribed being made choice of by the inhabitants of the town of *Lynn* in the *Massachusetts* colony in *New-England* to maintain their right to their properties and lands invaded by Sir *Edmund Andross* governor, we do testify that (besides Sir *Edmund Andross* his unreasonable demands of money by way of taxation, and that without an assembly, and deputies sent from our town according to ancient custom, for the raising of money or levying of rates) our properties, our honest and just and true titles to our land were also invaded, and particularly a great and considerable tract of land called by the name of the *Nabants*, the only secure place for the grazing of some thousands of our sheep, and without which our inhabitants could neither provide for their own families, nor be capacited to pay dues or duties for the maintenance of the publick, but (if dispossessed of) the town must needs be impoverished, ruined, and rendered miserable, yet this very tract of land being petitioned for by *Edward Randolph*, was threatened to be rent out of our hands, notwithstanding our honest and just pleas for our right to the said land, both by alienation of the said land to us from the original proprietors the Natives, to whom we paid our monies by way of purchase, and notwithstanding near fifty years peaceable and quiet possession and improvement, and also inclosure of the said land by a stone wall, in which tract of land also two of our patentees were interested in common with us, *viz.* Major *Humphreys*, and Mr. *Johnson*, yet *Edward Randolph* petitioning for the said land, Sir *Edmund* the governor did so far comply with his unreasonable motion, that we were put to great charges and expences for the vindication of our honest rights thereto, and being often before the governor Sir *Edmund* and his council for relief, yet could find no favour of our innocent cause by Sir *Edmund*, notwithstanding our pleas of purchase, ancient possession, improvement, inclosure, grant of the general court, and our necessitous condition, yet he told us all these pleas were insignificant, and we could have no true title unless we could produce a patent

'tent from the king, neither had any person a right to one
 'foot of land in *New-England* by virtue of purchase, posses-
 'sion or grant of courts, but if we would have assurance of
 'our lands, we must go to the king for it, and get patents of
 'it. Finding no relief (and the governor having prohibited
 'town-meetings, we earnestly desired liberty for our town to
 'meet, to consult what to do in so difficult a case and exi-
 'gency, but could not prevail. Sir *Edmund* angrily telling
 'us that there was no such thing as a town in the country,
 'neither should we have liberty so to meet, neither were our
 'ancient town records (as he said) which we produced for the
 'vindication of our titles to said lands worth a rush. Thus
 'were we from time to time unreasonably treated, our pro-
 'perties, and civil liberties and privileges invaded, our mi-
 'sery and ruin threatened and hastened, till such time as our
 'country groaning under the unreasonable heavy yoke of
 'Sir *Edmund's* government were constrained forcibly to re-
 'cover our liberties and privileges.

JEREMIAH SHEPARD,
 JOHN BURRILL.

' *Jeremiah Shepard* minister, and *John Burrill*, lieutenant,
 ' both of *Lynn*, personally appeared before us, and made
 ' oath to the truth of this evidence, *Salem*, Feb. 3, 1689-90.

JOHN HATHORNE, } Assistants.
 JONATHAN CORWIN, }

' *James Russell*, Esq; on the behalf of the proprietors of
 ' the stinted pasture in *Charlestown*, and on his own perso-
 ' nal account, declares as followeth, *viz.*

' That notwithstanding the answer made to Sir *Edmund An-
 ' dross*, his demand by some gentlemen of *Charlestown* on the
 ' behalf of the proprietors, which they judged satisfactory, or at
 ' least they should have a further hearing and opportunity to
 ' make out their rights, there was laid out to Mr. *Lidget*.
 ' adjoining to his farm in *Charlestown* a considerable tract
 ' of land (as it is said one hundred and fifty acres) which
 ' was of considerable value, and did belong to divers per-
 ' sons, which when it was laid out by Mr. *Wells*, there were
 ' divers bound-marks shewed by the proprietors, and some
 ' of them, and I had petitioned for a patent for my
 ' particular propriety, yet the whole tract was laid out to
 ' the said *Lidget*, who not only did cut down wood thereon
 ' without the right owner's consent, but arrested some for
 ' cutting

cutting their own wood, and so they were deprived of any means to use or enjoy their own land. And notwithstanding there were about twenty acres of pasture land and meadow taken from the said *Russell*, and given to Mr. *Lidget*, yet afterwards there was a writ of intrusion served up on a small farm belonging unto the said *Russell*, unto which the aforesaid pasture land did belong, and had been long improved by *Patrick Mark* his tenant, (and others good part thereof) above fifty years, so that to stop prosecution, the said *Russell* was forced to petition for a patent, he having a tenant who was feared would comply in any thing that might have been to his prejudice, and so his land would have been condemned under colour of law, and given away as well as his pastorage was without law. Further the said *Russell* complains, that he having an island in *Casco-bay*, called *Long-island*, which his honoured father long since bought of Mr. *Walker*, and was confirmed to *James Russell* by the general court, and improved several years by Captain *Davis*, by mowing as tenant to the said *Russell*, and the said *Russell* hearing it was like to be begged away, caused his writ to be entered in the public records in Mr. *West's* office, which he paid for the recording of; notwithstanding, Sir *Edmund Androsse* ordered Captain *Clements* (as he said) to survey the same, and he shewed me a plat thereof, and said, if I had a patent for it, I must pay three pence per acre, it being 650 acres. He was further informed, that if the said *Russell* would not take a patent for it, Mr. *Usher* should have it.

Per JAMES RUSSELL.

January 30, 1689-90. *James Russell*, Esq; personally appeared before me, and made oath to the truth of what is before written.

WILLIAM JOHNSON, assistant.

Had not an happy revolution happened in England, and so in New-England, in all probability those few ill men would have squeezed more out of the poorer sort of people there, than half their estates are worth, by forcing them to take patents. Major *Smith* can tell them, that an estate not worth 200l. had more than 50l. demanded for a patent for it. And if their boldness and madness would carry them out to oppress the rich after such a manner as hath been shewed, what might the poor look for? Nevertheless, their tyranny was beyond any thing that hath been as yet expressed. For if

men were willing to bring their titles to their possessions to a legal trial, they were not only threatened, but fined and persecuted, and used with barbarous cruelty. When some gentlemen in *Boston* resolved in a legal way to defend their title to an island there, Sir *Edmund's Attorney* threatened that it might cost them all that they are worth, and something besides, as appears by the following affidavit, viz.

' The deposition of Captain *Daniel Turel*, and Lieutenant *Edward Willis*, sworn, say, That upon a *Writ of Intrusion* being served on *Deer-Island*, belonging to the town of *Boston*, and let unto Colonel *Samuel Sbrimpton* by the select-men of the said town, the rent whereof being of long time appropriated towards the maintenance of a free school in the town, we the deponents two of the select-men of the said town, do testify, That meeting with Mr. *James Graham* upon the town-house, and telling him, that if Colonel *Sbrimpton* did decline to personate the case of the said island, we the select-men would. The said *Graham* said, Are you the men that will stand suit against the King? We the deponents told him we would answer in behalf of the town. The said *Graham* replied, There was no town of *Boston*, nor was there any town in the country; we made answer we were a town, and owned so to be by Sir *Edmund Andross*, governor, in the warrant sent us for the making a rate; then the said *Graham* told us, We might stand the trial if we would, but bid us have a care what we did, saying, it might cost us all we were worth, and something else too, for ought he knew, and further these deponents say not.

' Jan. 30, 1689.

DANIEL TUREL,
EDWARD WILLIS.

' Captain *Daniel Turel* and Lieutenant *Edward Willis* appeared personally before me, and made oath to the truth of what is above written.

' WILLIAM JOHNSON, Assistant.'

One of Sir *Edmund's* council and creatures, petitioned for an island belonging to the town of *Plymouth*, and because the agents of the said town obtained a voluntary subscription from the persons concerned to bear the charge of the suit; they were treated as criminals, and against all law, illegally compelled to answer in another county, and not that where the pretended misdemeanours were committed. And Mr. *Wifwall* the

the minister of *Dunbury* having at the desire of some concerned transcribed a writing which tended to clear the right they had to the island in controversy, and also concerning the above said voluntary subscription, both transcribed in the winter 1687. A messenger was sent, to bring him to *Boston* on the 21st *June*, 1688; he was then lame in both feet with the gout, sicker for a bed than a journey, therefore wrote to the governor, praying that he might be excused until he should be able to travel, and engaged that then he would attend any court, but the next week the cruel officer by an express order from Sir *Edmund Andross*, forced him to ride in that condition, being shod with clouts instead of shoes; and when he came before the council he was there made to stand till the anguish of his feet and shoulders had almost overcome him; after he was dismissed from the council, the messenger came and told him, he must go to goal, or enter into bonds for his appearance at the next superior court held in *Boston*, and pay down 4 l. 2 s. in silver. His sickness forced him to decline a prison, and to pay the money. At the next superior court he appeared in the same lame and sick condition, and the extremity of the weather cast him into such a violent fit of sickness, that he was in the judgment of others nigh unto death, and he himself thought that he should soon be out of their bonds, and at liberty to lay his information against his oppressors before the righteous Judge of the whole world. After all this having been forced a third time out of his own county and colony, near forty miles, he was delivered from the hands and humours of his tyrannical oppressors, who had exposed him to great difficulties, charges, and to 228 miles travel in journeying to and from *Boston*, directly opposite to the place where he ought to have been tried, had he been guilty of any of the pretended *misdeemeanors*, none of which his worst enemies ever had the face to read in open court, or openly to charge him with to this day. Now shall such men as these talk of *barbarous usage* who have themselves been so inhumane?

Quis tulit Gracebos de seditione querentes!

7. As for Sir *Edmund Andross* his supplying the Indians with ammunition in the time of actual war with them, the following testimonies confirmed the people of *New-England* in the belief of it.

Lenox Beverley aged about twenty-five years being sworn, saith, that he being soldier at *Pemquid* the winter time 1688, where was Captain general Sir *Edmund Andross*, knight, there came to the fort where Sir *Edmund Andross* then

then was, two squaws, the one *Madocowandos's* sister, and the other *Moxis's* wife (as was said) and two other Indian women that went along with them; they were in the fort with Sir *Edmund* two days, and when they came forth they seemed to be half drunk, this deponent and *Peter Ripley* was commanded to guard these squaws from *Pemyquid* to *New-Harbour*, being in distance about two miles, and as we passed on the way *Madocowandos's* sister laid down her burden in the snow and commanded the deponent to take it up, whereupon the deponent looked into the basket, and saw a small bag which he opened, and found it to be gunpowder, which he judged five pounds weight, and a bag of bullets of a greater weight, and the weight of the basket I took up, was as much as the deponent could well carry along, and the other three squaws had each one of them their baskets, which appeared rather to be of greater than lesser burden, than that the deponent carried, which were all of them laden, and brought out of the fort, and *Madocowandos's* sister said she had that powder of Sir *Edmund*, and added, that she was to come again to him within four days.

Boston, Aug. 17, 1689.

LENOX X BEVERLEY

Sworn in council,

his mark.

Attest.

ISR. ADDINGTON, Sec'y.

Gabriel Wood of *Beverly*, aged about twenty-four years, testifies, That being one of the soldiers that was out the last winter past, Anno 1688, in the eastward parts, and under the command of Sir *Edmund Andross*, and being then at *Pemyquid* with him, was commanded by him the said Sir *Edmund*, together with so many more of the soldiers as made up two files to guard and safely conduct three Indian women from *Pemyquid* aforesaid to *New Harbour*, which said Indian women were all laden, and to my certain knowledge one of the said women had with her in her said journey a considerable quantity of bullets, which she brought with her from *Pemyquid* aforesaid, and to my best apprehension, she had also a considerable quantity of powder in a bag in her basket, but I did not see that opened, as I did see the bullets, neither dared I be very inquisitive, the rest of the soldiers in company with me seeing the Indians so supplied with amunition (as we all apprehended they were by our governor and captain-general Sir *Edmund Andross* aforesaid

‘aforesaid) we did very much question amongst ourselves,
‘whether the said Sir Edmund did not intend the destruction
‘of our army, and brought us thither to be a sacrifice to our
‘heathen adversaries.

‘The mark of GABRIEL [A] WOOD.

‘Gabriel Wood of Beverly in the county of Essex, personally appeared before me at Salem in New-England, January 29, 1689-90, and made oath to the truth of the abovesaid evidence.

‘JOHN HATHORNE, Assistant.’

8. That the Indians declared they were encouraged by Sir Edmund Andross to make war upon the English, is most certainly true, although the lying author of that scandalous pamphlet, called *New-England's faction discovered*, has the impudence to say, that it is certainly false. Two Indians, *Waterman* and *David*, testify that the *Maquas* Indians sent a messenger to *Pennicock*, to inform that Sir Edmund Andross had been tampering to engage them to fight against the English. Another Indian called *Solomon Thomas*, affirmed, that Sir Edmund gave him a book, and that he said that book was better than the Bible, that it had in it the picture of the virgin *Mary*, and that when they should fight at the eastward, Sir Edmund would sit in his *Wigwam*, and say, O brave Indians! Another Indian named *Joseph* (who was in hostility against the English) bragged that the governor had more love for them than for the English. Another Indian named *John James*, did of his own voluntary mind declare to several in *Sudbury*, that Sir Edmund Andross had hired the Indians to kill the English: The men to whom he thus expressed himself, reproved him, and told him that they believed he belied Sir Edmund Andross and therefore they secured him, and complained to a justice of peace, by which means he was brought to *Boston*, but Sir Edmund instead of punishing was kind to the Indian, when as both the justice and the *Sudbury* man had (to use Mr. Palmer's phrase) horrible usage, by means whereof an alarm and terror run through the country, fearing some mischievous design against them. That this relation is not a feigned story, the ensuing testimonies make to appear.

‘The testimony of *Waterman*, and *David*, Indians, saith,
‘that the *Maquas* sent a messenger to *Pennicock* to inform
‘that the governor Edmund Andross hired the *Maquas* to
‘fight

fight the English, and paid down to them one bushel of white wompon, and one bushel of black wompon, and three cart loads of merchants good, trucking cloath and cotton cloath, and shirt cloath, and other goods. The *Maquas* said, that the English were their good friends, and said, they would not fight them, for the English never wronged them, but the *Maquas* took the pay on the account of the *Maquas* helping the English to fight their enemies the last war.

DAVID'S X mark.

WATERMAN'S Q mark.

Attest.

CORNELIUS WALDO, *senior*

MOSES PARKER,

THOMAS READ.

The two Indians above-mentioned *Waterman* and *David*, appeared the 4th day of *May* 1689, and to the council then sitting owned the above-written to be truth;

ISA. ADDINGTON, secretary.

Rochester in the king's province, *Sept.* 16, 1688. *Samuel Eldred, junior* of *Rochester* came before *Arthur Fenner* and *John Fones*, esquires; two of his majesty's justices of the peace, and did declare upon oath, that on the evening before an Indian whom he had seized, by name of *Joseph*, did in an insulting and vaunting manner say, there was 500 at *Martin's Vineyard*, 700 at *Nantucket*, and 400 at *Chappaquesset*, all very well armed, in a better manner than him the said *Samuel Eldred*, and that our governor did not dare to disarm them for that the governor had more love for them, the said Indians, than for his majesty's subjects the English. The said Indian being brought before us, and examined, did confess the greatest part of what was sworn against him, and owned that he was one of them that were in hostility against the English in the late wars, upon which the said Indian was committed to goal.

Per ARTHUR FENNER,
JOHN FONES.

The testimony of *Joseph Graves* aged 46 years or there about, and *Mary Graves* about 30 years, of *John Rutter* aged about 40 years, witness that on the 2d day of *January* 1688, *Solomon Thomas*, Indian, being at the house of *Joseph*

Joseph Graves, in the town of *Sudbury*, said, that when the fight at the eastward should be, if the Indians had the better of it, as the English did retreat, the friend Indians were to shoot them down, but if the English get the day, we say nothing, and that in the spring *French and Irish* would come to *Boston*, as many, and all won Indians, for that was the first place that was to be destroyed, and after that the country towns would be all won nothing. And further, the said *Solomon* said, that the governor had given him a book, which said governor said was better than the Bible, and all that would not turn to the governor's religion, and own that book, should be destroyed. In which book he the said *Thomas* said was the picture of our Saviour, and of the virgin *Mary* and of the twelve apostles; and the governor said, when we pray, we pray to the virgin *Mary*; and when the fight should be at the eastward, the governor would sit in his wigwam, and say, O brave Indians! Whereupon *John Rutter* told the Indian, that he deserved to be hanged for speaking such things, but the Indian replied, it was all true. Upon the hearing this discourse, we resolved to come to *Boston*, and acquaint authority with it, but by reason of the sickness of *Joseph Graves*, we could not presently, but as soon as conveniently we could, we accordingly appeared at *Boston* with our information, which the said *Joseph Graves* carried to Mr. *Bullivant* a justice of the peace.

JOSEPH GRAVES, this I saw

JOHN X RUTTER, signum.

MARY Y GRAVES, mark.

Boston, January 28, 1689, *Joseph* and *Mary Graves* came and made oath to the above-written,

'Before me, WILLIAM JOHNSON, Assistant.'

That when the English secured some of the Indians mentioned, and brought them before Sir *Edmund Andross*'s justices, they were basely and barbarously used for their pains, the following affidavits shew.

Sudbury in *New-England*, March 22, 1688-9. *Thomas Brerune*, aged about forty-four years, and *John Goodenow*, aged about fifty-four years, *John Graves*, senior, aged near seventy years, *Jacob Moore*, aged about forty-four years, *Jonathan Stanhope*, aged about fifty-seven years, and *John Parmiter*,

• *Parmiter*, aged about fifty years, all inhabitants of the
 • town of *Sudbury* aforesaid, do witness, that he heard *John*
 • *James*, Indian, of his own voluntary mind, say, That the
 • governor was a rogue, and had hired the Indians to kill
 • the English, and in particular, had hired *Wobawby* to kill
 • Englishmen, and that the governor had given the said
 • *Wobawby* a gold ring, which was his commission, which
 • gold ring the said *Wobawby* sold to *Jonathan Prescott* for
 • two shillings in money: Whereupon we replied, Sirrah,
 • you deserve to be hanged for what you say. *John James*
 • the Indian replied, What you papist, all one governor.
 • I speak it before governor's very face. This discourse of
 • *John James*, Indian, was at the place, and on the day a-
 • bove-written.

THOMAS BROWNE,
 JOHN GOODENOW,
 JACOB MOORE,
 JONATHAN STANHOPE,
 JOHN PARMITER.

• *Thomas Browne* and *John Goodenow*, two of the sub-
 • scribers above, having received this declaration from *John*
 • *James* the Indian, we thought it our duty forthwith to in-
 • form authority, and did with the Indian presently go to
 • *Watertown* to justice *Bond*, where the said *John James* did
 • voluntarily give his testimony before the said justice *Bond*,
 • which after he had taken, the said justice *Bond* ordered us
 • the said *Thomas Browne* and *John Goodenow* to make our
 • appearance before the governor *Sir Edmund Andross*, or one
 • of the council with the Indian, which accordingly we did,
 • when we came to the governor's house; after long waiting
 • in a very wet and cold season, we were admitted unto the go-
 • vernor's presence, where we were detained until eleven or
 • twelve o'clock at night, and after a very unkind treat, we
 • humbly prayed his excellency, he would please to discharge
 • us of the Indian, but he told us no, and joked us, saying,
 • we were a couple of brave men, and had the command, one
 • of a troop of horse, and the other a company of foot, and
 • could we not know what to do with a poor Indian? Fur-
 • ther, he asked us what money we gave the Indian to tell
 • us such news, and commanded us still to take care of the
 • Indian till his pleasure was to call for us again, and this
 • as we would answer it. Thus being severely chidden out
 • of his presence, we were forced with the Indian to seek our
 • quarters where we could find them. The next morning

we were preparing to go home again to *Sudbury* (being twenty miles or more) being *Saturday*, we were again sent for by the governor, by a messenger, to wait on the governor, with the Indian, which we did, and waited at the exchange or council-house in *Boston*, from nine o'clock in the morning till three of the clock in the afternoon, where in the face of the country we were made to wait upon the Indian with many squibs and scoffs that me met withal; at last we were commanded up before the governor and his council, where we were examined apart over and over, and about the sun-setting were granted leave to go home, it being the evening before the Sabbath.

THOMAS BROWN,
JOHN GOODENOW.

On Monday morning following, being the 25th of *March*, 1689, *Jacob Moore*, *Joseph Graves*, *Joseph Curtis*, *Joseph Moore*, *Obadiab Ward*, were by *Thomas Larkin* as a messenger fetched down to *Boston*, where after examination, *Jacob Moore* was committed to close prison. *Joseph Moore*, *Joseph Graves*, *Joseph Curtis*, and *Obadiab Ward* were sent home again, paying the said *Larkin* twelve shillings per man. On the next Monday morning after, being the first day of *April* 1689, *Samuel Gookin* the sheriff of *Middlesex* and his deputy came up to *Sudbury*, and commanded, *Thomas Browne*, *John Goodenow senior*, *John Groot senior*, *Jonathan Stanhope*, *John Parmiter*, forthwith to appear at *Boston*, at Colonel *Page's* house; but it being a wet and cold day, we were detained at judge *Dudley's* house at *Roxbury*, where after long waiting, had the kindness shewn us, to have an examination every man apart before judge *Dudley*, judge *Stoughton*, Mr. *Graham* and others, and were bound over to answer at the next superiour court to be held at *Boston*, what should there be objected against us upon his majesty's account. *Thomas Browne*, *John Goodenow senior*, *John Groot senior*, were each of them bound over in three hundred pound bonds, and each man two sureties in three hundred pound bond a piece. *John Parmiter* and *Jonathan Stanhope*, were bound in a hundred pound a piece, besides the loss of our time and hindrance of our business, the reproach and ignominy of bond and imprisonment, we shall only take the boldness to give a true account of what money we were forced to expend out of our own purses as followeth, to the sheriff, and other necessary charges.

	l.	s.	d.		l.	s.	d.
<i>Thomas Browne,</i>	2	00	00	<i>Jacob Moore,</i>	3	00	00
<i>J. Goodenow, sen.</i>	2	00	00	<i>Jona. Stanhope,</i>	0	15	00
<i>J. Growt, sen.</i>	0	10	00	<i>John Parmiter,</i>	0	15	00
<i>J. Rutter, jun.</i>	3	05	00	<i>Joseph Graver,</i>	3	15	00
<i>Joseph Curtis,</i>	0	17	00				

Boston, the 21st of December, 1689,

Jurat. cor.

ISAAC ADDINGTON, Assistant.

THOMAS BROWNE,
JOHN GOODENOW,
JACOB MOORE,
JONATHAN STANHOPE,
JOSEPH CURTIS,
JOHN PARMITER.

Although no man does accuse Sir *Edmund* meerly upon Indian testimony, yet let it be duly weighed (the premises considered) whether it might not create suspicion and an astonishment in the people of *New-England*, in that he did not punish the *Indians* who thus charged him, but the English who complained of them for it. And it is certain, that some very good and wise men in *New-England* do verily believe that he was deeply guilty in this matter, especially considering what might pass between him and *Hope Hood* an Indian, concerning which Mr. *Thomas Danforth* the present deputy-governor at *Boston* in *New-England*, in a letter bearing date April 1, 1690, writeth thus :—

‘ The commander in chief of those that made this spoil,
‘ (i. e.) the spoil which was made in the province of
‘ *Maine* on the 18th of *March* last, is *Hope Hood* an Indian,
‘ one that was with sundry other Indians in the summer
‘ 1688 seized by some of Sir *Edmund*’s justices and commanders in the province of *Maine*, and sent prisoners to *Boston*,
‘ Sir *Edmund* being then at the westward, where he continued absent many weeks ; upon his return finding the
‘ Indians in prison, fell into a great rage against those gentlemen that had acted therein, declared his resolution to
‘ set them at liberty and calling his council together, was by
‘ some opposed therein, and among others, one gentleman
‘ of the council accused this *Hope Hood* to be a bloody rogue,
‘ and added, that he, the said *Hope Hood*, had threatened his
‘ life, and therefore prayed Sir *Edmund* that he might not be
‘ enlarged, but Sir *Edmund* made a flout and scorn of all
‘ that could be said. At the same time some of the council

' cil desired Sir *Edmund* that this *Hope Hood* might be sent
 ' for before the council, to which he replied, that he never
 ' had had a quarter of an hour's conference with any of them,
 ' and that he scorned to discourse with any heathen of them
 ' all, yet all this notwithstanding, at the same time whilst the
 ' council was thus met, did Sir *Edmund* privately withdraw
 ' himself, and repair to the prison where this *Hope Hood* was
 ' prisoner, and did there continue with him two or three
 ' hours in private, the truth of what is above related is at-
 ' tested by sundry gentlemen that were of *Edmund's* council,
 ' and were then ear witnesses, and likewise by others that
 ' saw Sir *Edmund* at the prison; and as it is now verily be-
 ' lieved that at that very time he consulted the mischief that is
 ' now acted by the said *Hope Hood* and company." Thus
 Mr. *Danforth*.

9. That Sir *Edmund Andross* discountenanced making de-
 fence against the Indians, is complained of by five gentlemen
 who were of his council, and much concerned at his strange
 actings in that matter as in the account annexed to this ap-
 pology is to be seen. It is also confirmed by the Affidavits of
 two honest men, viz.

' *Henry Kerley* aged about fifty-seven years and *Thomas How*
 ' aged thirty-five years or thereabouts, both inhabitants of
 ' the town of *Marlborough*, do both testify that in the fall of the
 ' year, 1688, when Sir *Edmund Andross* came from *New-*
 ' *York* to *Boston* sometime after the Indians had killed some
 ' Englishmen at *North-field* in *New-England*, coming
 ' through our town of *Marlborough*, the said Sir *Edmund An-*
 ' *dross* examined this deponent *Henry Kerley* by what order
 ' we did fortify and garrison our houses, I answered it was
 ' by order of Captain *Nicholson*, the said Sir *Edmund* then
 ' said, he had no power so to do. He the said Sir *Edmund*
 ' examined what arms we made use of, and carried with us
 ' on the watch, and what charge was given us, answer was
 ' made by the deponent, they carried fire arms, and the
 ' charge was to keep a true watch, to examine all we met
 ' with, and secure suspicious persons that we met with, the
 ' said Sir *Edmund* said, what if they will not be secured, and
 ' what if you should kill them; answer was made by the de-
 ' ponant, that if we should kill them, we were in our way,
 ' then Mr. *Randolph* being there in the company said, you
 ' are in the way to be banged. Sir *Edmund Andross* said
 ' further, that those persons that had left their houses. to
 dwell

‘ dwell in garrisons, if they would not return, others should
‘ be put in that would live there.

‘ *Boston the 27th of Decem.*

‘ 1689. *Jur. Henry Kerley,*

‘ and the 2d of January 1689,

‘ *Jur. Thomas How.*

HENRY KERLEY.

THOMAS HOW.

‘ *Cor. Is. ADDINGTON, Assistant.*”

That Sir Edmund's high sheriff was a stranger in the country, and one that had no estate there needs no proof, and that strangers who had no freehold, were impannelled for Jurors is notoriously known. So it was in the case of the Ipswichmen as hath been noted, and when that reverend person Mr. Charles Morton, was causelessly and maliciously prosecuted, he was not only compelled to answer (contrary to law) in another county, and not in that wherein the good sermon they found fault with, was preached, but that if possible, they might give him a blow, there was summoned to serve as a jury man, one John Gibson no householder nor of any estate or credit, and one John Levingsworth a brick-layer, who lived in another colony two hundred miles distance. When those in government will use such *base artifices* as these to accomplish their pernicious designs, how should any man's estate or life be secure under him?

11. That the persons objected against, were some of them guilty of great extortion is manifest from what has been related, and may yet be further proved, for (as by some instances we have already seen, and shall now hear more) they compelled men to take patents for their own lands, which they and their fathers before them, had quietly possessed till these covetous creatures became a *nuisance* to the country, and it may be, none more criminal, as to this particular, than Mr. Palmer and Mr. West. A friend of their own, *viz.* Mr. Randolph, does in several of his Letters bitterly complain of them upon this account. In a letter of his of August the 25th, 1687, he writeth thus:

‘ I believe all the inhabitants in Boston will be forced to
‘ take grants and conformations of their lands, as now intend-
‘ ed, the inhabitants of the province of Maine which will
‘ bring in *vast profits* to Mr. West, he taking what fees he
‘ pleases to demand. I shall always have a due honour and
‘ respect for his excellency, but I must buy his favour at three
‘ or four hundred pounds a year loss.’ And in another to

the

the same, *June, 21, 1688*, he hath these words. ' I went
 ' to one *Shurte* town-clerk of *Pemyquid*, to know what leases
 ' were made lately, and by whom, and for what quit rent,
 ' he told me that above a year ago Captain *Palmer*, and
 ' Mr. *West* produced to them a commission from Colonel
 ' *Dungan*, to dispose of all their lands to-whomever would take
 ' leases at five shillings the hundred acres quit rent. They
 ' let there and at a place called *Dartmouth* twelve or sixteen
 ' miles distant from *Pemyquid* about one hundred and forty
 ' leases, some had eight hundred or ten hundred acres, few
 ' less than a hundred, some but three or four acres and all
 ' paid 21. 10s. for passing their grants of 100 acres of wood-
 ' land, with twenty acres of marsh where-ever it could be
 ' found, but this bred a great mischief among the people ;
 ' few or none have their lands measured or marked, they
 ' were in haste, and got what they could, *they had their emis-*
 ' *saries among the poor people, and frightened them to take grants,*
 ' some come and complained to the governor, and prayed
 ' him to *confirm their rights which he refused to do,* the com-
 ' mission and whole proceeding being illegal, having notice
 ' they were to be under his government, they resented it, but
 ' served their turn. *The poor have been very much oppressed here,*
 ' the fort run all to ruin, and wants a great deal to repair
 ' it. Captain *Palmer* and Mr. *West* laid out for themselves
 ' such large lots, and Mr. *Graham* though not there, had a
 ' child's portion, I think some have eight thousand or ten
 ' thousand acres. *I hear not of one penny rent coming in to*
 ' *the king, from them who have their grants confirmed at York.*
 ' and the five shillings an hundred acres was only a sham
 ' upon the people : at our return we saw very good land, at
 ' *Winter Harbour*, enough to make large settlements for many
 ' people. The governor will have it first measured, and
 ' then surveyed, and then will dispose of it for settlements,
 ' Mr. *Graham* and his family are settled at *Boston*, he is
 ' made Attorney general, and now the governor is safe in his
 ' New-York Confidants, all others being strangers, to his
 ' council. 'Twas not well done of *Palmer* and *West* to tear
 ' all in peices that was settled and granted at *Pemyquid* by
 ' Sir *Edmund*, that was the scene where they placed and dis-
 ' placed at pleasure and were as arbitrary as the great Turk.
 ' Some of the first settlers of that eastern country were denied
 ' grants of their own lands, whilst these men have given the
 ' improved lands amongst themselves, of which I suppose Mr.
 ' *Hutchinson* hath complained.' In another, *May the 16th*
 ' 1689, he says ; ' I must confess there have been ill men from
 ' New-

' *New-York*, who have too much studied the disease of this people, and both in courts and councils, they have not been treated well.' Thus does *Edward Randolph*, a bird of the same feather with themselves confess the truth, as to this matter, concerning his brother *Palmer and West*.

And that *oppressive fees have been extorted by indigent and exacting officers* is declared by *Mr. Hinckley* the present governor of *New-Plymouth* in his narrative of the grievances and oppressions of their majesties good subjects in the colony of *New-Plymouth in New-England*, by the illegal and arbitrary actings in the late Government under *Sir Edmund Andross*, which narrative is too large to be here inserted, but it is possible it may be published by itself, whereby it will appear that every corner in the country did ring with complaints of the oppressions, and (to speak in *Mr. Palmer's* phrase) horrible usages of these ill men. Some passages out of *Mr. Hinckley's* narrative respecting this matter, we shall here transcribe, whose words are these which follow.

' The bill of cost taxed by judge *Palmer* seems also to be the greatest extortion ever heard of before, as thrice twenty shillings for three motions for judgment at the same term, (and was it not their courtesy they did not move ten times one after another at the same rate) and taxed also, five pound for the king's attorney, and one and twenty shillings for the judges, and ten shillings for the sheriff, and other particulars as by the said bill appeareth, and that which makes it the greater extortion is, that the whole bill of cost was exacted of every one of them, which each of them must pay down, or be kept prisoners till they did, though all seven of them were jointly informed against in one information.' Thus *Mr. Hinckley*.

The cry of poor widows and fatherless is gone up to heaven against them on this account; for the probate of a will and letter of administration above fifty shillings hath been extorted out of the hands of the poor, nay they have been sometimes forced to pay more than four pounds, when not much above a crown had been due. Let *Andrew Sergeant* and *Joseph Quilter* among many others speak if this be not true, who were compelled to travel two hundred miles for the probate of a will, and to pay the unreasonable and oppressive fees complained of.

Besides these things, under *Sir Edmund's* government they had wicked ways to extort money when they pleased. *Mr. William Coleman* complains (and hath given his oath accordingly) that upon the supposed hired evidence of one man he sustained

tained forty pounds damage in his estate. And there were complaints all over the country that Sir *Edmund's excise men* would pretend sickness on the road, and get a cup of drink of the hospitable people, but privately drop a piece of money, and afterwards make oath that they bought drink at those houses, for which the innocent persons were fined most unreasonably, and which was extorted from them, though these villanies were declared and made known to those then in power. *William Goodhue*, and *Mary Dennis* might be produced as witness hereof, with many more. Some of Sir *Edmund's* creatures have said, that such things as these made *his government to stink*. Also *John Hovey* and others complain of sustaining ten pounds damages by the extortion of officers, though never any thing (they could hear of) was charged upon them to this day, *John* and *Christopher Osgood* complain of their being sent to prison nine or ten days, *without a mittimus, or any thing laid to their charge*, and that afterwards they were forced to pay excessive charges—It would fill a volume, if we should produce and intert all the *affidavits* which do confirm the truth of these complaints.

In the time of that unhappy government, if the officers wanted money, it was but seizing and imprisoning the best men in the country for no fault in the world, and the greedy officers would hereby have grist to their mill. Thus was Major *Appleton* dealt with. Thus Captain *Bradstreet*. Thus that worthy and worshipful gentleman *Nathaniel Salsoristal*, Esquire, was served by them and *barbarously prosecuted*, without any information or crime laid to his charge; for he had done nothing worthy of bonds, but it was the pleasure of Sir *Edmund* and some others, thus to abuse a gentleman far more honourably descended than himself, and one concerned in the government of *New-England* before him, but (to his eternal renown) one who refused to *accept of an illegal and arbitrary commission*, when in the reign of the late king *James* it was offered to him.

We have now seen a whole jury of complaints which concur in their verdict against Sir *Edmund Andross* and his confederates. Were these things to be heard upon the place, where the witnesses who gave in their *affidavits* are resident, they would amount to legal proof, as to every particular which was by the *agents of the Massachusetts colony in New-England* objected against Sir *Edmund Andross*, and others seized and secured by the people there.

Moreover there are other matters referring to Sir *Edmund Andross* which caused great, and almost universal jealousy of him.

him. For first, His commission was such as would make any one believe that a courtier in the time of the late king *James* spoke true, who said *Sir Edmund Andross* was sent to New-England on purpose to be a plague to the people there. For he with three or four more, none of them chosen by the people, but rather by that implacable enemy who prosecuted the quo warranto's against their charters, had power given them to make laws, and raise what monies they should think meet for the support of their own government, and he had power himself alone to send the best and most useful men a thousand miles, (and further if he would) out of the country, and to build cities and castles (in the air if he could) and demolish them again, and make the purses of the poor people pay for it all. Such a commission was an unsufferable grievance, and no honest Englishman would ever have accepted of it, or acted by it.

Secondly, Jealousies were augmented by his involving the country in a war with the Indians, by means whereof he hath occasioned the ruin of many families and plantations; yea the death or captivity of we know not how many souls. For he went (with the *Rose* frigate, and violently seized, and took and carried away, in a time of peace all the household goods and merchandises of *monfieur Cakeen* a Frenchman at *Penobscot* who was allied to the Indians having married the daughter of one of their princes whom they call *Sagamores* or *Sachems*; and when this was done, it was easy to foresee, and was generally concluded that the French and Indians would soon be upon the English, as it quickly came to pass. After the flame was kindled, and barbarous outrages committed by the Indians, *Sir Edmund's* managery was such as filled the country with greater fears of an horrid design. For bloody Indians whom the English had secured, were not only dismissed, but rather courted than punished by him.

Thirdly, It cannot be exprest what just and amazing fears surprized the people of New-England when they had notice of the late king *James* being in France, lest *Sir Edmund Andross* whose governor and confident he was, should betray them into the power of the French king, other circumstances concurring to strengthen these fears. The *Mohawks* and other Indians were in hostility against the French and it was very advantagious to the English interest to have it so, but *Sir Edmund* caused them to make a peace with the French, whereby the French interest in those parts was strengthened, and the English weakened. *Mr. Peter Reverdy* (a French protestant) in his memoirs concerning *Sir Edmund Andross* complains of this.

After

After that Sir Edmund Andross and his accomplices were secured, such reports and informations came to hand, as made *New-England* admire the divine providence in accomplishing what was done against the late oppressors. They then saw the persons from whom they suspected the greatest danger, were now incapable of betraying them.

If an unaccountable instinct and resolution had not animated the inhabitants in and about *Boston*, to seize on those few men, the people there believe *New-England* would have been in the hands not of king *William* but king *Lewis* e'er this day: For in *Sept.* 1689, several vessels belonging to *New-England* were taken near *Cansoe* in *America* by some French men of war. The prisoners since at liberty, inform, that the French told them, that there was a fleet of ships bound from *France* directly for *Boston* in *New-England*, but some of them were taken by the *English* ships of war, and three or four of them lost at *Newfoundland*, and that Sir *Edmund Andross* had sent to the French king for them to come over, and the country should be delivered up. And the Lieutenant of a French man of war professed, that if Sir *Edmund Andross* had not been imprisoned, they would then have gone to *Boston*. This shews what a good opinion the French had of him, and such reports so testified made a strange impression on the spirits of the people throughout the country: And that the world may see we do not write fictions of our own, the subsequent *Affidavits* are produced and here inserted.

John Langford of *Salem* testifieth, That he being in the Ketch *Margaret* of *Salem*, *Daniel Gygles* commander, they were taken by the French ships off *Tarbay* in *America*, near *Cansoe* on *Tuesday* the 17th day of *September* last past, and being put on board the Admiral, viz. *The Lumbuscado*, and in the said ship carried a prisoner to *Port-Royal*, and then did hear several of the company on board the said ship say, that they came directly from *France*, and that there was ten or twelve sail of them ships of war that came in company together, but some of them were taken upon the coast of *France* and some were lost since, and that they were all bound directly for *New-England*, and that Sir *Edmund Andross* late governor of *New-England* had sent to the French king for them to come over, and the country should be delivered up into his hands, and that they expected that before they should arrive, it would have been delivered into the hands of the French.

JOHN LANGFORD.

' Benjamin Majery of Salem, Jersey-man, also testifieth, that
 ' he being taken the same day, and at the same place in the
 ' Ketch *Diligence*, Gilbert Peters commander ; as is abovesaid
 ' in the evidence of John Langford, he heard the same related,
 ' by several of the company on board the other French ship
 ' of war that was in company with the *Lumbuscado* ; viz.
 ' *The Frugum*, so called, that there was ten sail of them came
 ' out directly from France together ; that Sir Edmund And-
 ' drossé late governor of New-England had sent to the king
 ' of France for them to come over, and he would deliver the
 ' country into their hands, and that they were bound directly
 ' for Boston in New-England but had lost most of their ships
 ' coming over.

The mark M of BENJAMIN MAJERY.

' John Langford and Benjamin Magery, both made oath
 ' to the truth of their respective evidences in Salem, No-
 ' vember 23, 1689.

' Before me, JOHN HATHORNE, assistant.'

' Joshua Conant testifieth, That he being commander of
 ' the Ketch, *Thomas* and *Mary* of Salem, he was taken by
 ' three French ships off from Tarbay, near Canfoe, upon
 ' Tuesday the 17th of September last, two of which were ships
 ' of war, the other a merchant-man, and being put on board
 ' the Admiral, viz. the *Lumbuscado*, and therein carried to
 ' to Port-Royal a prisoner, Mr. Mero told me that the French
 ' on board told him, that there was ten sail of them ships
 ' of war came out in company together from France, and
 ' that they came directly from France, and were bound
 ' to Boston in New-England, and that Sir Edmund An-
 ' drossé had sent to the French king for them, and
 ' that the country was to be delivered up into their hands ;
 ' but having lost several of their ships in their voyage, and
 ' hearing that Sir Edmund Androssé was taken, and now in
 ' hold, should not proceed at present, but threatened what
 ' they would do the next summer.

' JOSHUA CONANT.

' Joshua Conant personally appeared before me, and
 ' made oath to the truth of the abovesaid evidence. Salem,
 ' November the 23d, 1689.

' JOHN HATHORNE, assistant.'

' Phillip

‘ *Phillip Hilliard* of *Salem*, *Jersey-man*, testifieth, That he was taken by the French in a Ketch belonging to *Salem*; viz. the *Thomas and Mary*, *Joshua Conant* commander off from *Tarbay* near *Canoe*, this autumn, *September 17*, and being carried on board the *Lumbuscado*, did on board the said ship hear several of the company say, that there was about twelve sail of them ships of war, came out in company together from *France*, and were bound directly for *Boston* in *New-England*, and that *Sir Edmund Andross*, the late governor there had sent into *France* for them to come over.

‘ The mark 8 of PHILLIP HILLIARD.

‘ *Phillip Hilliard* personally appeared before me, and made oath to the truth of the abovesaid evidence. *Salem*, *November the 23d*, 1689.

‘ JOHN HATHORNE, assistant.’

‘ *James Cocks* of *Salem*, mariner, testifieth, That he was taken by the French in the Ketch *Margaret* of *Salem*, *Daniel Gygles* commander, on *Tuesday the 17th of September* last past, off from *Tarbay* near *Canoe*, by two French ships of war, who had one merchant-man in company with them, and he being carried on board the admiral, viz. the *Lumbuscado*, he there met with a man he had known in *London*, one of the said ship’s company, who was a *Biscay* born, named *Peter Goit*, who told him that there was thirteen ships of them came out of *France* in company together, and that they were bound directly for *Boston* in *New-England*, expecting that the country was before, or would be at their coming delivered up to the king of *France*, and told him, before they could get clear of the coast of *France*, several of their ships were taken by the English ships of war, and the rest of their fleet taken or dispersed, and lost about *Newfoundland*.

‘ The mark S S of JAMES COCKS.

‘ *James Cocks* personally appeared before me, and made oath to the truth of the abovesaid evidence. *Salem*, *November 23d*, 1689.

‘ JOHN HATHORNE, assistant.’

But

But as to one of the crimes objected against Sir Edmund Andross and his accomplices, *Habemus conscientiam reum*. Mr. Palmer cannot deny but that they levied monies on the king's subjects in New-England, contrary to the fundamentals of the English government, which doth not allow the imposition of taxes without a parliament. The New-Englanders supposed that their late oppressors had been guilty of no less than a capital crime by their raising money in such a way as they did ; and we are assured that one of them after he received, and before he acted by virtue of his illegal commission from the late king, professed, that if ever he had an hand in raising a penny of money without an assembly, his neck should go for it ; and yet no man that we know of had a deeper hand in it than this person had. But Mr. Palmer, for the justification of this so foul a business, lays down several positions which he would have no man deny ; one of his positions is, *That it is a fundamental point consented to by all christian nations, That the first discoverer of a country inhabited by infidels, gives a right and dominion of that country to the prince in whose service and employment the discoverers were sent.* These are his words, p. 17. We affirm, that this fundamental point (as he calls it) is not a christian, but an unchristian principle. It is controverted among the School-men, *an dominium fundatur in gratia*. Papists are (as Mr. Palmer is) for the affirmative, but the scripture teaches us to believe that the heathen nations, and the sons of Adam, and not the children of Israel only, have a right to the earth, and to the inheritance which God hath given them therein, *Deut. 32. 8.* When Mr. Palmer hath proved that infidels are not the sons of Adam, we shall consent to his notion, that christians may invade their rights, and take their lands from them, and give them to whom they please, and that the pope may give all America to the king of Spain. But let him know, that the first planters in New-England, had more of conscience and the fear of God in them, than it seems Mr. Palmer hath. For they were not willing to wrong the Indians in their properties ; for which cause it was that they purchased from the natives their right to the soil in that part of the world, notwithstanding what right they had by virtue of their charters from the kings of England. Mr. Palmer's position is clearly against *Jus Gentium* & *Jus Naturale*, which instructs every man, *Nemini injuriam facere*. He that shall violently, and without any just cause take from infidels their lands, where they plant, and by which they subsist, does them manifest injury. And let us know of Mr. Palmer, if christian princes have

have power to dispose of the lands belonging to *infidels* in the *West-Indies*, whether they have the like dominion over the lands belonging to the *infidels* in the *East-Indies*, and if these *infidels* shall refuse to consent that such *christians* shall possess their lands, that then they may lawfully *vi & armis* expel or destroy them, as the *Spaniards* did ! We may send Mr. Palmer for further instruction in this point to *Balaam's ass*, which ingenuously acknowledged that her master (though an infidel) had a property in, and right of dominion over her, *Numb. 22. 30.* But this gentleman hath some other assertions which he would have us take for *postulata*, and then we shall be his *slaves* without all peradventures. He tells us in page 17, 18, 19, that the *English plantations* (in particular *New-England*) are no parts of the empire of England, but like *Wales* and *Ireland*, which were conquered, and belong to the dominion of the crown of England, and that therefore he that wears the crown, may set up governments over them, which are despotick and absolute, without any regard to *Magna Charta*, and that whereas in *Barbadoes*, *Jamaica*, *Virginia*, &c. they have their assemblies, that is only from the favor of the prince, and not that they could pretend right to such privileges of *Englishmen*.

And now we need no further discovery of the man. Could the people of *New-England* who are zealous for English liberties ever endure it long, that such a person as this should be made one of their judges, that by squeezing of them, he might be able to pay his debts ? And can any rational man believe, that persons of such principles did not tyrannize over that people when once they had them in their cruel clutches, and could pretend the authority of the late king *James* for for what they did ? in our opinion Mr. Palmer hath not done like a wise man thus to expose himself to the just resentments and indignation of all the *English plantations*. If ever it should be his chance to be amongst them again, what could he expect but to be looked on as *communis hostis*, when he thus openly declares that they have no English liberties belonging to them ?—That worthy gentleman Sir *William Jones* (who was *Attorney General* in the reign of king *Charles* the second) had certainly more understanding in the law than Captain Palmer, and yet Captain Palmer (we suppose) is not ignorant that when some proposed, that *Jamaica* (and so the other plantations) might be governed without any assembly, that excellency Attorney (not like Captain Palmer but like an Englishman) told the then king, that he could no more grant a commission to levy money on his subjects there without their consent

consent by an assembly, than they could discharge themselves from their allegiance to the English crown; and what Englishmen in their right wits will venture their lives over the seas to enlarge the king's dominions, and to enrich and greaten the English nation, if all the reward they shall have for their cost and adventures shall be their being deprived of *English liberties*, and in the same condition with the *slaves in France* or in *Turky*! And if the colonies of *New-England* are not to be esteemed as parts of *England*, why then were the quo warranto's issued out against the government in *Boston* as belonging to *Westminster* in *Middlesex*! Are the English there, like the *Welsh* and *Irish* a conquered people? When *Mr. Palmer* hath proved that he hath said something. They have (through the mercy of God) obtained conquests over many of their enemies, both *Indians* and *French*, to the enlargement of the English dominions. But except *Mr. Palmer* and the rest of that crew will say, that his and their domineering a while was a conquest, they were never yet a conquered people. So that his alledging the case of *Wales* and *Ireland* before English liberties were granted to them, is an impertinent story. Besides, he forgets that there was an original contract between the king and the first planters in *New-England*, the king promising them, if they at their own cost and charge would subdue a wilderness, and enlarge his dominions, they and their posterity after them should enjoy such privileges as are in their charters expressed, of which that of not having taxes imposed on them without their own consent was one. *Mr. Palmer* and his brethren oppressors will readily reply, their charter was condemned. But he cannot think, that the judgment against their charter made them cease to be *Englishmen*. And only the colony of the *Massachusetts* had their charter condemned. And yet these men ventured to levy monies on the king's subjects in *Connecticut colony*. For the which invasion of liberty and property they can never answer. Indeed they say the corporation of *Connecticut* surrendered their charter. But who told them so? It is certain, that no one belonging to the government there, knoweth of any such thing; and how their oppressors should know that *Connecticut* made a surrender of their charter when the persons concerned know nothing of it, is very strange. We can produce that written by the secretary of that colony with his own hand, and also signed by the present governor there, which declares the contrary to what these men (as untruly as boldly) affirm. Witness the words following,

In the second year of the reign of king *James the second*
 we had a *quo warranto* served upon us by *Edward Ran-*
dolph, requiring our appearance before his majesty's courts
 in *England*, and although the time of our appearance was
 elapsed before the serving of the said *quo warranto*, yet we
 humbly petitioned his majesty for his favour, and the con-
 tinuance of our charter with the privileges thereof. But
 we received no other favour but a second *quo warranto*,
 and we well observing that the charter of *London* and other
 considerable cities in *England* were condemned, and that
 the charter of *the Massachusetts* had undergone the like fate,
 plainly saw what we might expect, yet we not judging it
 good or lawful to be active in surrendering what had cost us
 so dear, nor to be altogether silent, we impowered an at-
 torney to appear on our behalf, and to present our humble
 address to his majesty, but quickly upon it as *Sir Edmund*
Androsse informed us, he was impowered by his majesty to
 receive the surrender of our charter, if we saw meet so to do
 and us also to take under his government. Also, *Col. Thomas*
Dungan his majesty's governor of *New-York*, laboured to
 gain us over to his government. We withstood all these mo-
 tions, and in our reiterated addresses, we petitioned his ma-
 jesty to continue us in the free and full enjoyment of our
 liberties and properties, civil and sacred, according to our
 charter. We also petitioned that if his majesty should not
 see meet to continue us as we were, but was resolved to
 annex us to some other government; we then desired that
 in as much as *Boston* had been our old correspondents, and
 a people whose principles and manners we had been ac-
 quainted with, we might rather be annexed to *Sir Ed-*
mund Androsse his government, than to *Colonel Dungan's*,
 which choice of ours was taken for a resignation of our char-
 ter, though that was never intended by us for such, nor had
 it the formalities in law to make it such. Yet *Sir Edmund An-*
drosse was commissioned to take us under his government,
 pursuant to which about the end of *October 1687*, he with
 a company of gentlemen and grenadiers to the number of
 sixty or upwards came to *Hartford* the chief seat of this
 government, caused his commission to be read, and declared
 our government to be dissolved, and put into commission both
 civil and military officers throughout our colony as he
 pleased. When he passed through the principal parts
 thereof, the good people of the colony though they
 were under a great sense of the injuries sustained thereby,
 yet

yet chose rather to be silent and patient than to oppose, being indeed surprized into *an involuntary submission* to an arbitrary power.

Hartford, June
13, 1689.

ROBERT TREAT, Governor.
JOHN ALLEN, Secretary.

Thus did Sir *Edmund Andross* and his creatures, who were deeply concerned in the illegal actions of the late unhappy reigns, contrary to the laws of God and men, commit a rape on a whole colony; for which violence it is hoped they may account, and make reparation (if possible) to those many whose properties as well as liberties have been invaded by them.

Captain *Palmer* in the close of his *partial account of New-England* entertains his readers with an *barangue* about the *sin of rebellion*, and misapplies several scriptures that so he might make the world believe that the people of *New-England* have been guilty of wicked *rebellion* by their casting off the arbitrary power of those ill men who invaded liberty and property to such an intolerable degree as hath been proved against them. But does he in sober sadness think, that if when wolves are got among sheep in a wilderness, the shepherds and principal men there shall keep them from ravening, that this is the sin of rebellion condemned in the scripture? How or by whose authority our *lawyer* comes to play the *divine* we know not. But since he hath thought meet to take a spiritual weapon into his hand, let him know that the scripture speaks of a lawful and good *rebellion*, as well as of that which is unlawful. It is said of good *Hezekiah* that he rebelled against the king of *Assyria* and served him not, 2 *Kings* 18. 7. Indeed reviling *Rabshakeh* upbraided him, and said as in *verse* 20, *thou rebellest* (not unlike to Captain *Palmer*) saying to *New-England*, *thou rebellest*. *Hezekiah's* predecessors had basely given away the liberties of the people, and submitted to the arbitrary power of the *Assyrians*, and therefore *Hezekiah* did like a worthy prince in casting off a tyrannical government, and asserting the liberty of them that were the Lord's people, and God did signally own and prosper him in what he did, and would never permit the *Assyrian* to regain his tyrannical power over *Jerusalem* or the land of *Judah*, though for their trial he permitted their enemies to make some devastations among them. The like (we hope) may be the happy case of *New-England*. Mr. *Palmer* tells us, that *New-England* hath valued itself for the true profession
and

pure exercise of the protestant religion, but he intimates that they will be termed a land full of *hypocrisy and rebellion, irreligion, and a degenerate wicked people*, p. 39. And is this the *sincerity and christian moderation* which he boasts himself of in his preface? Surely these are the *hissings of the old serpent*, and do sufficiently indicate whose children the men are that use them. Since he will be at divinity, let him (if he can) read the *apologies* written by *Justin Martyr* and *Tertullian*, and there see if *Pagans* did not accuse *Christians* of old, just after the same manner, and with the same crimes that he wickedly upbraids that good and loyal people with. Who are they that use to call the holiest and most conscientious men in the world *hypocrites, liars, rebels, and what not?* but they that are themselves the greatest *hypocrites, liars, and rebels* against heaven that the earth does bear? It is hard to believe that Captain *Palmer* does not rebel against the light of his own conscience, when he affirms as in page 38, that in *New-England*, every thing that hath any relation to their majesties is neglected and unregarded, without any recognition of their authority over those dominions. He cannot be ignorant of the humble addressees which the people in *New-England* have from time to time made to their present majesties, acknowledging their authority. He knows that on the first notice of their majesties being proclaimed king and queen in *England*, both those now in government in *New-England*, and the body of the people with them, did (without any command) of their own accord, with the greatest joy proclaim their majesties in *New-England*. He knows that their majesties have no subjects more cordially and zealously devoted to them than those in *New-England* are, or that do with greater fervor pray for their long and happy reigns, or that are more willing to expose themselves to the utmost hazards in their service, and yet this man that knoweth all this, to cast an odium on that loyal and good people, insinuates as if they were *rebels*, and *disaffected* to the present government, and designed to set up an *independent commonwealth*, and had no regard to the laws of God or men. After this lying and malicious rate hath he expressed himself. What rational charity can be extended so far as to believe that it is possible for him to think that what himself hath written is true? When *Sanballat* wrote that *Nehemiah* and the Jews with him intended to rebel, did he believe what he had written? no, he did not, but feigned those things out of his own heart. The like is to be said of those *Sanballats* that accuse the people
of

of *New-England* with thoughts of rebellion. And so we have done with Mr. *Palmer*. What hath been said is sufficient to *justify* the *revolution* in *New-England*, and to *vindicate* the people there from the aspersions cast upon them by their enemies. Several worthy gentlemen have under their hands given an account concerning some of Sir *Edmund's* arbitrary proceedings, which is subscribed by five (and more would have concurred with them had there been time to have communicated it) of those who were of Sir *Edmund's* council during his government there, and for that cause their complaints carry more weight with them, which shall therefore as a conclusion be here subjoined.

READER,

THERE is such notoriety as to matter of fact in the preceding relation, that they who live in *New-England* are satisfied concerning the particulars contained therein. If any in *England* should hesitate, they may please to understand that Mr. *Elisba Cook*, and Mr. *Thomas Oaks* (who were the last year sent from *Boston* to appear as agents in behalf of the *Massachusetts Colony*) have by them attested copies of the *affidavits* (at least-wise of most of them) which are in this *vindication* published, and are ready (if occasion serve) to produce them.

A
NARRATIVE of the PROCEEDINGS

O F

Sir EDMUND ANDROSSE and his Accomplices,

Who acted by an ILLEGAL and ARBITRARY Commission from the late King JAMES, during his Government in NEW-ENGLAND.

By several GENTLEMEN who were of his COUNCIL.

To the READER.

THE particulars mentioned in the ensuing narrative, are but a small part of the grievances justly complained of by the people in New-England, during their three years oppression under Sir Edmund Androsse. For a more full account, the reader is referred to the justification of the revolution in New-England, where every particular exhibited against Sir Edmund and his accomplices, by the agents lately sent to England, is by the affidavits of honest men confirmed. If some men find themselves thereby exposed to the just resentments and indignation of all true christians, or true Englishmen, they must thank themselves for publishing such untrue accounts as that which goes under the name of Captain John Palmer's, and that scandalous pamphlet called New-England's Faction discovered, supposed to be written by an implacable enemy of all good men, and a person that for impudence and lying has few equals in the world. This which follows, being signed by several gentlemen of great integrity, who likewise had a particular knowledge of the things by them related, is therefore of unquestionable credit. The design in making of it thus public, is to vindicate their majesties loyal subjects in New-England, and to give a true representation of things unto those who have by false relations been imposed on.

Boston, New-England,
Feb. 4, 1690-91.

HAVING received from Mr. Addington by order of the Council and representatives of the Massachusetts colony a signification of their desire ; That whereas we where members of the late council in the time of Sir Edmund Androsse's Government,

Government, we would give some information of the grievances and male-administrations under the same. Upon consideration had thereof, and in answer thereunto, we cannot but own and declare, that *not only ourselves and many others in the same station* (not now present to join with us) were of a long time much *dissatisfied and discouraged with very many of the proceedings and administrations in the said government*; and had little reason to wonder that so great a number of the people were so too. It might well have been expected that the governor (not so successful heretofore) notwithstanding the extraordinariness (to say no more) of many clauses and powers in his commission; yea the rather and the more, because thereof would have cautioned and moderated the execution of the same: But to our great trouble we found it very much otherwise. Many were the things that were accounted irregular and grievous therein, far from conducing to the public weal of the territory, and not a little to the disservice of the crown, as tending rather to the disturbing and disaffecting of the subjects here, than to the furtherance of that cheerful obedience, loyalty, love and duty in them, which ought by all good means, to have been nourished and promoted. And of all this unhappiness, we must reckon the first step and in-let to be, that *the governor did so quickly neglect the great number of the council, and chiefly adhere unto and govern by the advice only of a few others, the principal of them strangers to the country, without estates or interest therein to oblige them, persons of known and declared prejudices against us, and that had plainly laid their chiefest designs and hopes to make unreasonable profit of this poor people.* Innumerable were the evil effects that from hence were continually growing up amongst us; *the debates in council were not so free as ought to have been, but too much over-ruled, and a great deal of harshness continually expressed against persons and opinions that did not please. The greatest rigour and severity was too often used towards the soberest sort of people, when any thing could be found or pretended against them, their humble submissions were little regarded, and inexorable persecutions ordered against them, whilst in the mean time the notorious viciousness and profaneness of others met not with the like discountenance, but persons of such a character were put into places of business and trust.* The long settled maintenance of the public ministry, even from those that applied themselves to no other way of worship, but continued ordinary heaters, could not be upheld by any act of authority providing for the same, and schools of learning so well taken care of formerly, were
in

in most places fallen to decay, and many more such like might be reckoned up. But we shall more especially instance further in the particulars following, as not the least.

1. It was as we thought a great slight put upon the council, and to the prejudice of the good people of the territory, that whereas at the governor's first coming a committee appointed thereunto by himself, and a full council had with great care and several weeks trouble revised a very considerable number of orders and laws collected out of the several law-books of these colonies found by long experience very needful and agreeable to the good of these plantations, which laws so collected and revised, were again presented unto, and upon further advisement approved by the governor and council and passed. Yet upon the introducing Mr. *West* from *New-York* to be deputy secretary, they were, for what causes we know not, totally laid aside, and the people denied the benefit of them. And this grievance was so much the greater, and a plainer indication of the severity of some men in their intended management of things, because on good deliberation they had also passed an order of council, that until the council should take further order, the several justices, town-officers, and others should proceed according to former usages, and such local laws in the several parts of this dominion, as are not repugnant to the laws of *England, &c.* Yet because by virtue of the said order some in authority have proceeded to put forth their power for the support of the ministry, and some others did justify themselves in some actions done by them that were not pleasing; hereupon when a discourse only, and some debate thereof had passed in council, but *without any regular determination made*, and contrary to the exprefs word of the said order, *it was entered in the council-book* concerning it, resolved that the same was only in force till the next session of the council, and so determined as null of itself, and that none presume to act pursuant to such laws as are or shall be made here.

2. Whereas the act for the continuing and establishing of several rates, duties and imposts, was one of the first of so great-moment that came out in a form under the seal of the territory, and was publicly proclaimed, we that were present have great cause to remember what trouble and dissatisfaction there was among the members of the council concerning the same. As that act was framed and urged upon us, *a very considerable number (and we believe we were*

the major part dissented from and argued much against it. And though the governor expressed not a little heat and positiveness alledging his instructions, and held the council together, unreasonably a very long time about it. Yet when we did at last break up we could not imagine that he could take the bill to be agreed to; nevertheless it was the next day (to our wonderment) brought in fairly engrossed in parchment, and quickly signed by the governor without any counting of voices either then or the day before, which was the more needful because some did continue still to make their objections, others that had spoken against the bill the day before, declaring their adherence to what they had then said; and many more under so great discouragement and discountenance, as was manifested sitting silent, which we are sure in the regular passing of laws can never be reckoned for a consent.

3. *The way and manner used afterwards of proposing and passing all laws was very uncertain and unequal, not answerable to the nature of so great a power, nor to the largeness of the territory that was to be obliged by them, or to the number of the councillors appointed therein; for after a little while there were no set times appointed or given notice of for the making of laws, that so the members of the council might attend in a fuller number to be helpful therein. Bills of the greatest concernment were usually first consulted and framed in private, and so unexpectedly brought into council at any time, and then our work too was often under great disadvantages, not to advise freely and consult about the making of a law thought necessary, but to maintain a contest in opposition to a very inconvenient one, too far promoted and engaged in already; and above all, there was never any fair way of taking and counting the number of the councillors consenting and dissenting, that so the majority might be known in any matter that admitted of any considerable reasonings and debates, by reason whereof both laws and other orders and resolutions might be set down as passed by the council, which ought not to have been. And when it hath been (as often it was) expressly and earnestly prayed when matters of greater moment than ordinary were in hand, that the debate and resolution of them might be put off till a fuller council of members from other several parts of the dominion might be convened such motions were ever disaccepted, and entertained with no little displacency; so that it might be too truly affirmed, that in effect four or five persons, and those not so favourably inclined and disposed as were to be wished for, bear the rule over, and gave*

gave law to a territory the largest and most considerable of any belonging to the dominion of the crown.

4. *In pursuance of this way and manner of passing laws above expressed, there were two in special that came forth, which we are sure in fuller and freer councils would have had a full stop put to them; viz. First, The act for regulating the choice of select-men, &c. wherein the liberty of towns to meet for the managing of their publick affairs referring to their common lands, and all other their concerns, which they had enjoyed for so many years, to their great benefit, was most unreasonably restrained to once a year, and all other convening of inhabitants as a town meeting, upon any pretence or colour whatsoever, was strictly forbidden: And the other act was that intituled, an act requiring all masters of ships or vessels to give security, in which there were such restraints laid upon all persons from transporting themselves freely (as their occasion might call) out of their territory, that it would have been a meer prison to all that should be found therein, and such bond required of all ships and vessels (extending in the practice even to shallops and wood-boats) as would quickly have intolerably discouraged, if not ruined the trade thereof; and all without any other ordinary general benefit of the said act, but the filling some men's pockets with fees: And (as it might be thought from the time of moving this act, which was when Captain Hutchinson was already gone, and Mr. Mather was known to be intending for England) the obstructing of such men's going home as were likely there to make just complaints, and seek redress of publick grievances; and when this act had been strenuously opposed in council here at Boston, where it was more than once vehemently urged, and as often denied, it was carried as far as New York, and there an opportunity found for the obtaining of it.*

5. *The great matter of properties and titles to our lands is the next to be insisted on, his majesty that granted the charter did fully invest the patentees with right to the soil throughout the whole limits thereof, and here on the place, the right of the natives was honestly purchased from them. The disposal, distribution, and granting of lands by the patentees, who were also incorporated, and made a body politick, was in such a plain, ready, easy way, without any charge to the planters, as in the settlement of so large a country was thought to be most agreeable: And so much of a publick spirit*

spirit and design were those noble gentlemen, that (though well they might) they settled not one single penny of service or acknowledgment to themselves and heirs of any of their grants, a thing so self-denying and worthy, that few instances can be given of the like. All which notwithstanding, and the possessions, descents and valuable purchases of so many years that have passed since, *the governor and those he adhered to resolved and practised to make all men's titles in effect quite null and void.* The purchasing of the natives right, was made nothing of, and next to a ridicule. The enjoyment and improvement of lands not inclosed, and especially if lying in common amongst many was denied to be possession; it was not enough that some men that thought it convenient, and were both willing and able, did take confirmations of their lands, the numbers of whom in time might have been a considerable gain to them; but *nothing would satisfy unless all in general might be compelled so to do; hence those that refused were declared intruders upon his majesty, and put in fear of having their lands granted unto strangers.* Many were solicited, and encouraged to petition for other men's lands, and had a shameful example set them by some of the chief contrivers of all this mischief. *When some men have petitioned for a confirmation of their own lands, a part of these only was offered to be granted to them, and another part denied.* Nor could any man's own land be confirmed to him, without a particular survey of every part and parcel of them first made, the great charges whereof, and of other fees to be taken would have been to most men insupportable: *Yea it hath by some been computed that all the money in the country would not suffice to patent the lands therein contained.*

And yet further, a considerable quit-rent to the king was to be imposed upon all lands, though already a constant yearly tax for the support of the government had been laid on them.

And for all this most unreasonable vexation to a laborious and industrious people, the only ground pretended was some defects and wants of form and due manner alledged to be in the way of the disposing and conveying of all lands from the patentees to the townships and people here; which whatever it amounted to might have been easily remedied, either by an application and representation to the king for the obtaining a general settlement of all properties (which would have been highly worthy and generous for the governor to have engaged in, on behalf of the people) or by some other ways that

that were proposed. But nothing but the way of particular patenting as abovesaid could prevail. In prosecution whereof all actions intended upon informations of intrusions in his majesty's behalf, or between old proprietors and new grantees must have had their decision at the ordinary courts of common law here upon the place where matters of equity and of a consideration transcending all ordinary cases could not have a proper cognizance and due influence in the decision, determination and judgment.

6. *Though* sufficient courts of justice were appointed, and held in the several counties for the trial of all offenders, yet it was too frequent upon more particular displeasure to fetch up persons from very remote counties before the governor and council at Boston (who were the highest, and a constant court of record and judicature) not to receive their trial but only to be examined there, and so remitted to an inferior court to be farther proceeded against. *The grievance of which court was exceeding great*, for hereby not only the charge was made excessive upon such persons by the notorious exactions of the messenger, the secretary's fees for examination, &c. But these examinations themselves were unreasonably strict, and rigorous and very unduly ensnaring to plain unexperienced men. And the trials of several, were by this means over-ruled to be at Boston, and not in the proper counties, and were otherwise so far prejudged as to be rendered less equal.

The extraordinary oppressive fees taken in all matters by indigent and exacting officers, these were at the first for a long time arbitrarily imposed and required without any colour of an establishment of them by the council. Afterwards a committee was appointed, to bring in a table of fees, that spent a long time without finishing any thing, the reason whereof was because some therein especially the deputy secretary West, insisted upon fees much more extraordinary than some others could consent to. In conclusion; there was a table of fees drawn up to be presented to the council, and signed by some of the committee, one of whom, (whose subscription is to this paper) declaring expressly, that by his signing he did no otherwise agree, but only that it might be presented to the council, to do therein as they should see cause, who also when it was so presented to the council, declared that many of the particulars in that table contained, were unreasonable, and ought to be abated, and of this mind

were

were many others. But the entry after the usual manner was an approbation thereof.

Lastly. As to those *great jealousies and suspicions of sinister designs in the governor as to our troubles by the Indians*, we have to say, That although divers things too uncertain, if not untrue have been too easily reported and spread concerning him, a practice which some of us have formerly with no little prejudice to ourselves discountenanced and borne testimony against; yet *there have not wanted some other particulars that might give too great a ground for the same.* The principal of them (as far as we have any knowledge of things of that kind) are these.

The governor's *seizing and taking away the goods of Monsieur St. Castine of Penopscot*, the summer before the war broke forth, which thing hath been esteemed not a little to have stirred up and furthered the succeeding troubles. The governor's not hastening his return to *Boston* when these troubles were actually begun, but lengthening out his tarrience in places so remote till the hostility of the *Indians*, and the great mischiefs thereof were too far advanced. That during his absence he was not pleased sufficiently to empower and instruct any to act things necessary for the safety of the out plantations and the prosecution and suppression of the enemy, tho' he had speedy and true accounts from time to time sent him of all that happened. That all that was done to this purpose in a case of such necessity, either by the lieutenant governor, or by the justices of the peace, and military officers in many places, by securing and disarming of neighbouring *Indians*, setting up, warding and watching, garrisoning several houses for the security of the inhabitants, especially the women and children, in case of sudden inroads and surprizings that might be, sending some relief of men to some places that were most in danger, and also what was done by those members of the council that were at *Boston* in conjunction with the commander in chief left in the fort there, who raised and sent some forces to *Casco-Bay*, where greatest harms were done. We say, that all that was thus done, was so extremely disapproved of by the governor upon his return back from *A* and *New-York*, and an unaccountable displeasure manifested against all persons that had so acted, and that he was ready to call them to an account as high offenders for the same, and refused a long time, though much solicited, to give any order concerning the soldiers sent to *Casco*, either for the continuance of them there, where they were very necessary, or for their dismissal.

on home. Unto all which may be added the governor's sending messengers both *John Smith* the quaker from *Albany*, and soon after Major *Macgregory* to *Keybeck* upon such errands and business as were not communicated and laid open to the council. And further, *his release and setting at liberty sundry Indians that were in hold, some of them known enemies to the English*, and particularly objected against by several of the council, and that without any exchange of our *English* captives then in the enemies hands.

These are the chief matters which upon this occasion (without any undue prejudice against any man, or design to justify the defects of ourselves in the performance of our own shares of duty, but in answer to the desire signified to us as above) we have to set forth, professing truly that by such a state of things as we had the experience and feeling of, the places that we held were rendered exceeding uneasy to us, and that out of a sincere respect to the prosperity of these their majesties plantations, we could not but be very desirous that through the favour of God and our superiors, all due redress might in a good happy season be obtained; and the way of governing *English* subjects in their majesties dominions without an assembly of the people's representatives banished out of the world for ever.

Boston in New-England,
Jan. 27, 1690.

WILLIAM STOUGHTON,
THOMAS HINCKLEY,
WART. WINTHROP,
BARTHOL. GEDNEY.
SAMUEL SHRIMPTON.

F I N I S.

on home. Unto all which may be added the governor's sending
messengers both to the quarter of the country, and then
after Major Mackay to the quarter upon such errors and dis-
turbances as were not communicated and laid open to the council.
And further, the receipt and taking of letters from the Indians
that came in, and some of them were carried to the English,
and particularly objected against by several of the council,
and afterwards an exchange of our English captives taken
in the enemies hands.

These are the chief matters which upon this occasion (with-
out any undue prejudice against any man, or design to justify
the defects of ourselves in the performance of our own duties
of duty, but in answer to the desire signified to us as above)
we have so far forth, presented only that by such a list of
things as we had the experience and feeling of, the things
that we said were rendered exceedingly uneasy to us, and that our
of a sincere respect to the propriety of their respective
plantations, we could not but be very desirous that things
the favour of God and our situation, all our efforts might be
a good happy season. **DECEMBER 31**
Agreeing to these in their majesties dominions without an as-
sembly of the people's representatives limited one of the
world for ever.

WILLIAM BRIDGES,
THOMAS HICKLEY,
JAMES WILKINSON,
HARRISON GIBBS,
WILLIAM BRIDGES.

Done in New England
Jan. 27, 1690.